



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.230 OF 2025

(Prakash Sanjay Gadge Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.N. Patre, Advocate for the applicant.

Mr. A.M. Ghogare, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 3, 2025.

By this application, the applicant is seeking bail as she came to be arrested on 25/01/2025 in connection with Crime No.24/2025 registered with Police Station Pophali, Tahsil Umarkhed, District Yavatmal for the offences punishable under Sections 105, 281, 125-A 125-B and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The allegation against the present applicant is that he was Driver on a school bus and was carrying the school children to drop them in the school. He has driven the vehicle in a rash and negligent manner and caused the death of one girl student. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that at the most negligence is attributed to the present applicant. Section 105 of the BNS is not attracted.

Moreover, further incarceration of the applicant is not required as the investigation is practically completed. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that as the applicant has negligently kept the stepney at the front side and due to the dash against the Jeep the deceased sustained injury as she came into contact with the said stepney. Thus, negligence is not attributed to the present applicant. The investigation is still in progress. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that during accident the deceased has succumbed to the death. As far as the negligence is concerned which is attributed to the present applicant but considering that his further incarceration is not required, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Prakash Sanjay Gadge in connection with Crime No.24/2025 registered with Police Station Pophali, Tahsil Umarkhed, District Yavatmal for the offences punishable under Sections 105, 281, 125-A

125-B and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

(v) The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*