



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

CRIMINAL APPLICATION (ABA) NO.138 OF 2025

(Darshan s/o Tukaramji Agrawal Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.157 OF 2025

(Madhav s/o Pandurang Kadam 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

ABA No.138/2025

Mr. A.S. Mardikar, Sr. Advocate a/b Mr. S.A. Kanetkar, Advocate for the applicant.

Mr. N.B. Jawade, APP for the State.

ABA No.157 /2025

Mr. H. Chawhan, Advocate h/f Mr. P.S. Chawhan, Advocate for the applicant.

Mr. N.B. Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 24, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.24/2025 registered with Police Station Pophali, Taluka Umardhed, District Yavatmal for the offence punishable under Sections 105, 3(5), 281, 125-A, 125-B of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. The applicant - Madhav s/o Pandurang Kadam is the Principal of Standard Welfare School, Dahagaon, Taluka Umardhed, District Yavatmal and the applicant - Darshan s/o Tukaramji Agrawal is in the management of Educational Institution. The allegation is that the school bus driver who drove his vehicle in the rash and negligent manner and is responsible for causing the death of student. On the basis of the said report, police have registered the crime against the present applicants.

3. Mr. Mardikar, learned Senior Counsel and Mr. Chawhan, learned Counsel for the applicants submitted that as far as both the applicants are concerned who were not present at the time of the incident. They are implicated only because they are office bearers of the said school. As far as their custodial interrogation is concerned, which is not required. In view of that, they be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the fitness certificate even not there for the said bus who met with an accident. The applicants are the responsible persons of the education society and there is a risk of the harm to the school going children but no proper care is taken by the educational institute, and therefore, death of the student is caused and other students sustained injuries. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. On perusal of the recitals of the FIR and considering the nature of the allegations admittedly, their custodial interrogation is not required. The submission made by the learned APP has some substance. However, considering that their custodial interrogation is not required and the Road Transport Officer is always at liberty to take appropriate action for the said irregularities and illegalities committed by the educational institute. Considering the same, the applications deserve to be allowed. Accordingly, I proceed to pass the following

order.

(i) Both the applications are allowed.

(ii) In the event of arrest, the applicants –

1) Madhav s/o Pandurang Kadam and

2) Darshan s/o Tukaramji Agrawal in

connection with Crime No.24/2025 registered

with Police Station Pophali, Taluka

Umarkhed, District Yavatmal for the offence

punishable under Sections 105, 3(5), 281,

125-A, 125-B of the Bharatiya Nyaya Sanhita,

2023, be released on anticipatory bail on

executing P.R. Bond of Rs. 25,000/- each with

one solvent surety each in the like amount.

(iii) The applicants shall attend the

concerned police station as and when

required for the investigation purpose and

shall cooperate with the investigating agency.

(iv) The applicants 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.

6. The contravention of any of the condition would lead to the cancellation of bail.

7. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)