



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1556 OF 2025
IN
CRIMINAL APPLICATION (BA) NO. 828 OF 2025

Gajanan s/o Dnyaneshwar Narwade Vs State of Maharashtra and another.

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

Court's or Judge's Order

Mr. V.D. Darne, counsel for applicant.

Mr. Amit Madiwale, APP for non-applicant/State.

Mr. K.S. Narwade, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/08/2025.

1. By this application, the applicant/original complainant is seeking permission to assist the prosecution.

2. In view of the reasons mentioned in the application, the applicant is permitted to engage the counsel to assist the prosecution.

3. The criminal application (APPP) No. 1556 of 2025 is disposed of.

CRIMINAL APPLICATION (BA) NO. 828 OF 2025

1. The applicant came to be arrested on 26/01/2025 in connection with Crime No. 17 of 2025 registered with Police Station Mahagaon, Tq. Umarkhed, District Yavatmal for the offences punishable under Sections 105, 281, 238 of the Bhartiya Nyaya

Sanhita read with Sections 134, 180, 181, 192, 196 of the Motor Vehicle Act, 1988.

2. As per the prosecution case, on 18/01/2025 at 9.00 a.m., when the applicant had left his residence for Mahagaon and was on the way, he received information that one serious accident had taken place on Mahagaon to Umarkhed Road. Consequently, the informant went there and, on reaching near the land of Suroshe, the informant found one motorcycle and Arjun Deshmukh and his friend Ajay Virkhade lying dead on the spot. It is further contended that the deceased had serious injuries to their head and face, and some unknown vehicle having big tyre had caused an accident in the night at around 12.00 to 02.00 a.m. The informant also found the marks of the tyre of a heavy vehicle, and accordingly, the informant informed this to his friend Gajendra Deshmukh, who asked him to file a report, and accordingly, he lodged the report.

3. During the investigation, it was revealed that the present applicant had caused the said accident, and it was also revealed that he and another person had thrown the motorcycle and the dead body into the ditch. On the basis of the said allegation, the crime was registered against the present applicant.

4. Heard learned counsel for the applicant, who submitted that from the recitals of the FIR and statements, it reveals that it is merely an accident; even

the applicant was not seen committing any accident at the spot of the incident. Merely because the vehicle, which was involved in the said accident and bearing vehicle No. MH-29/CB-0381 is owned by the present applicant, and therefore, he is arraigned as an accused. He submitted that as far as the allegation that the applicant has thrown the dead bodies in a ditch, there is no material to connect the present applicant with the alleged act. Now, the investigation is already completed, the charge sheet is already filed, and further incarceration of the present applicant is not required.

5. Learned APP and learned counsel for the complainant strongly opposed for the same on the ground that after the accident, the applicant has not shown any remorse to the persons injured and not provided them treatment, but they were thrown in the ditch. If they had received a treatment in time, they would have survived. It shows the intention of the present applicant, and therefore, the application deserves to be rejected.

6. After hearing both sides and on perusal of investigation papers, it reveals that the death of the deceased was caused by an accident which took place. Admittedly, there is no eyewitness as far as the accident is concerned. The statements of the witnesses recorded during the investigation nowhere reveals that anybody has seen the present applicant throwing the dead body into the ditch. However, considering that the applicant

is the owner of the said truck, it appears that he was implicated in the said crime. Admittedly, it is a matter of trial whether the applicant was driving the said tractor at this stage. Considering the investigation is already completed, the charge-sheet is already filed and further incarceration of the applicant is not required. In view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The applicant – ***Gajanan Dnyaneshwar Narwade***, shall be released on bail, in connection with Crime No. 17 of 2025 registered with Police Station Mahagaon, Tq. Umarkhed, District Yavatmal for the offences punishable under Sections 105, 281, 238 of the Bhartiya Nyaya Sanhita, 2023 read with Sections 134, 180, 181, 192, 196 of the Motor Vehicle Act, 1988, on executing P. R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- 7. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]