



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

CRIMINAL APPLICATION [BA] NO. 1230 OF 2024

ARUN KUMAR SHIVSHANKAR SINGH

VERSUS

STATE OF MAH., THRU. P.S.O, P.S., OLD KAMPTEE, DIST. NAGPUR

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

Court's or Judge's Order

Mr. A. S. Shukla, Advocate for the applicant.
Mr. M. K. Pathan, A.P.P. for the non-applicant /State.

CORAM : G. A. SANAP, J.

DATE : FEBRUARY 10, 2025.

1. Heard Mr. A. S. Shukla, learned advocate for the applicant and Mr. M. K. Pathan, learned APP for the State.
2. This is an application for bail in Crime No. 426/2024 registered at Old Kamptee Police Station, Dist. Nagpur for the offences punishable under Sections 105 and 125 of the Bhartiya Nyay Sanhita, 2023.
3. Learned advocate for the applicant/accused no.1 submits that co-accused in this crime has been released on bail on 10.01.2025 (B.A. No. 1249/2024). Learned advocate for the applicant would submit that at the relevant time, by taking all precautions, he was operating the crane. It is submitted that there was mistake on the part of auto-rikshaw driver. The auto driver, without noticing the signage, dashed on the crane. The charge-sheet has been filed. It is submitted that for custodial interrogation, the

detention of the accused is not necessary. It is further submitted that he is ready to abide by the conditions that may be imposed by this Court.

4. Learned APP submits that the main role in the crime has been attributed to accused no.1 i.e. applicant. It is submitted that the evidence compiled in the charge-sheet clearly shows that no proper care and precaution had been taken by the applicant. It is pointed out that if he had taken the precaution, then this incident would not have happened wherein two women have lost their life.

5. I have perused the record and proceedings. The accused in this case would be facing the prosecution for the offence of culpable homicide not amounting to murder. A contract of painting work of the bridge was assigned to the co-accused/ accused no.2. It is undisputed that two women died in the accident. It is also pointed out that the Supervisor/accused no.3 has also been arrested.

6. In my view, considering the nature of the allegations at this stage the merits of the matter cannot be gone into. The factual submissions cannot be answered at this stage. The trial may take its own time for completion. Considering the nature of the offences alleged to have been committed by the accused, his further incarceration will not be necessary. In the facts and circumstances, I find this case

being a fit case to exercise the jurisdiction. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions.

7. Accordingly, the criminal application is allowed.

i] Applicant – Arun Kumar Shivshankar Singh be released on bail in Crime No. 426/2024 registered at Old Kamptee Police Station, Dist. Nagpur for the offences punishable under Sections 105 and 125 of the Bhartiya Nyay Sanhita, 2023 on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five thousand only) with one surety in the like amount.

ii] The applicant shall not, directly or indirectly, make any inducement or promise to any witness in any manner.

iii] the applicant shall not tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

8. The criminal application stands disposed of accordingly.

(G. A. SANAP, J.)