



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

CRIMINAL APPLICATION [BA] NO. 1240 OF 2024

ARUN TULSHIRAM PRADHAN

VERSUS

STATE OF MAH., THRU. P.S.O, P.S., HUDKESHWAR, NAGPUR

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

Court's or Judge's Order

Mr. Ved R. Deshpande, Advocate for the applicant.
Mrs. Mrunal A. Barabde, A. P. P. for the non-applicant /State.

CORAM : G. A. SANAP, J.

DATE : JANUARY 22, 2025.

1. Heard Mr. Ved Deshpande learned advocate for the applicant and Mrs. Mrunal Barabde, learned Additional Public Prosecutor for the non-applicant /State.

2. Leave to add the Sections of the Motor Vehicles Act, 1988 in the prayer, is granted.

3. Necessary corrections/amendment be carried out forthwith.

4. The applicant has made this application for bail in Crime No. 838/2024, registered with Police Station, Hudkeshwar, Nagpur for the offences punishable under Sections 281, 125(a), 125(b), 105, 106(1) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 134 and 177 of the Motor Vehicles Act, 1988.

5. Learned advocate for the applicant would submit that the deceased while taking right turn at the spot, all of a sudden came in front of the car. He did not follow the traffic rules. The applicant/accused was driving the car on his side. The incident occurred because the deceased came in front of his car all of a sudden. He has been remanded to judicial custody. Learned advocate would submit that for further investigation his detention is not necessary. It is submitted that the applicant left the spot because of the fear of thrashing by the people of the locality, who had gathered on the spot after the incident. Learned advocate submits that except the offence of culpable homicide not amounting to murder, rest of the offences are bailable. The accused, in the submission of the learned advocate, is ready to abide by the conditions that may be imposed by the Court.

6. Learned Additional Public Prosecutor would submit that the offence committed by the accused is serious. He drove the vehicle in rash and negligent manner. The accused was solely responsible for this incident. The investigation is in progress. The possibility of tampering with the prosecution evidence cannot be ruled out, if the applicant is enlarged on bail.

7. I have gone through the record and proceedings. I have perused the spot panchanama. The spot of the accident is at a cross-road. The deceased was coming on

Bajaj two-wheeler from the opposite side of the road. There is a divider to the road. The applicant/accused was driving the car and coming from the opposite direction. The deceased was about to take right turn to go to his residence. In this process, the accused gave dash to the Bajaj two wheeler. It is the case of the prosecution that the offence committed is culpable homicide not amounting to murder.

8. One Samuel Narendra Trivedi died in the incident. The incident occurred in the midnight at about 12.30 a.m. The accused has been remanded to judicial custody. It would, therefore, show that detention of the applicant is not necessary for custodial interrogation. On perusal of the record, the knowledge could be attributed to the accused that his act could result into an accident and death. It is a question of fact, which will have to be decided on the basis of the evidence. However, on that basis he cannot be kept behind the bars for indefinite period. The investigation is in progress. The report was lodged on 29.11.2024. Learned APP submits that the investigation is likely to be completed in near future.

9. In my view, considering the nature of the offence and the other facts, it may not be necessary to keep the applicant /accused behind the bars for indefinite period. The apprehension can be taken care of by imposing appropriate conditions. In view of this, I am inclined to grant bail to the applicant/accused.

10. Accordingly, the criminal application is allowed.

i] Applicant – Arun S/o Tulshiram Pradhan be released on bail in crime No. 838/2024, registered with Police Station, Hudkeshwar, Nagpur for the offences punishable under Sections 281, 125(a), 125(b), 105, 106(1) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 134 and 177 of the Motor Vehicles Act, 1988, on his furnishing PR bond in the sum of Rs.25,000/- with one surety in the like amount.

ii] The applicant shall not, in any way, tamper with the prosecution evidence.

iii] The applicant shall not pressurize or threaten the prosecution witnesses in any manner.

iv] The applicant/accused shall attend Police Station, Hudkeshwar, Nagpur everyday between 7.00 pm and 9.00 pm till filing of the charge-sheet.

v] The applicant shall cooperate the IO.

11. It is made clear that the observations made in this order are for the purpose of deciding this bail application. Learned Judge of the trial Court shall not get influenced in any manner by these observations while deciding the case on merits.

12. The application stands disposed of in the aforesaid terms.

(G. A. SANAP, J.)

Diwale