



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 87 OF 2026

ALTAF SHABBIR SHAIKH

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Mohit R. Deshmukh,
Ms. Susmita V Dound

APP for Respondents No.1 and 2: Mr. D. B. Bhange
Advocate for Intervenor/Assist to PP : Mr. S. E. Shekade

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-02-2026

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.0689 of 2025 dated 20.12.2025 registered with Karjat Police Station, District Ahilyanagar, for the offences punishable under Sections 105, 125(A), 125(B), 281, 3(5) of the *Bhartiya Nyaya Sanhita*, 2023 and Sections 134(A), 134(B), 177, 180, 181, 184, 3 and 5 of the Motor Vehicles Act, 1988. In the said crime, the applicant was arrested on 20.12.2025. Upon completion of the investigation, the chargesheet is filed.

2. The prosecution case is that On 19/12/2025, at approximately 02:15 PM, Police Constable Sudam Pokale was performing his patrolling duties at Mahatma Phule Chowk in Rashin. As he was crossing the road, a Mahindra Pickup vehicle

(Registration No. MH-12 YB-9032), driven by the applicant was operated in a rash and negligent manner. Without sounding the horn or providing any indication, the applicant suddenly reversed the vehicle, striking Constable Pokale with significant force. The impact caused severe and grievous injuries, and Constable Pokale tragically succumbed to them on the spot. At the time of the incident, one Firoj Siraj Shaikh was present in the vehicle as the cleaner. Following the collision, both the driver and the cleaner fled the scene in the vehicle without reporting the matter to the authorities. Initially, Accidental Death Register (ADR) No. 88 of 2025 was lodged at the Karjat Police Station. However, after the preliminary investigation, a First Information Report (FIR) was lodged against the driver and the cleaner.

3. The learned counsel for the applicant submits that the applicant has been implicated in the crime, which is purely an instance of death by negligence rather than any intentional criminal act. The charges of culpable homicide not amounting to murder are legally unsustainable as there existed no common intention, motive, or knowledge on the part of the applicant that the act was likely to cause death. The present FIR appears to have been escalated solely due to the fact that the deceased was a police official, rather than on the merits of the incident. Further, the applicant was a documented driver holding a valid LMV (Non-Transport) license on the date of the accident. As there is no

recovery pending and the investigation is based on documentary evidence, custodial interrogation is neither necessary nor justified. The applicant is a 19-year-old student with clean antecedents and with no criminal record; he is preparing for his 12th standard examinations scheduled for next month. The continued incarceration of the applicant would cause irreparable loss to the academic career and future prospects. Hence, prayed to allow the application.

4. Learned A.P.P. and the learned counsel for intervenor, have opposed the application and contending that on the basis of the evidence collected thus far, a *prima facie* case under Section 105 of the BNS, 2023, is clearly established against the applicant. The prosecution submits that the applicant's rash and negligent driving resulted in the untimely death of a young police officer who was performing his lawful duties at the time of the incident. Further, it is contended that the applicant's conduct following the accident is highly incriminating; rather than reporting the matter to the police, the applicant fled the scene, thereby attempting to evade legal accountability. It is expressed strong apprehension that if the applicant is released on bail, he may abscond or tamper with the evidence. Hence, prayed to reject the application.

5. Upon considering the submissions of both sides and perusal of the record, including the chargesheet, *prima facie*, indicates

that the gravity of the victim's death, the material on record *prima facie* indicates the applicant was a licensed driver and the incident occurred in the course of vehicular movement in the midnight. In the absence of a clear motive or "common intention," the applicability of Section 105 is a matter of trial.

6. The investigation is complete for all intent and purpose, resultantly, the chargesheet is filed. Having regard to the number witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period. As such, further incarceration of the applicant as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justifiable. So far as apprehension expressed by learned APP is concerned, it can be adequately taken care of by imposing stringent conditions. I am, therefore, persuaded to exercise discretion in favour of applicant.

7. Hence, the order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicant, Altaf Shabbir Shaikh, be released on bail, upon furnishing P.R. bond in the sum of Rs.50,000/- (Rs.Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No.0689 of 2025 dated 20.12.2025 registered with Karjat Police Station, District

Ahilyanagar, for the offences punishable under Sections 105, 125(A), 125(B), 281, 3(5) of the *Bhartiya Nyaya Sanhita*, 2023 and Sections 134(A), 134(B), 177, 180, 181, 184, 3 and 5 of the Motor Vehicles Act, 1988, on the following conditions :-

- (a) The applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.
 - (c) The applicant shall submit *Aadhar* and Pan Cards to the Investigating Officer and detailed address and phone numbers and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE