Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2547 OF 2026

Rushikesh Balasaheb Jodh .. Applicant

Versus

State of Maharashtra .. Respondent

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- Mr. R.J. Nirmal i/by R.R. Kale, Advocates for Applicant
- Ms. Rajeshree V. Newton, APP for State

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 7, 2026

P. C.:

1. Heard Mr. Nirmal, learned Advocate for Applicant and Ms. Newton, learned APP for State.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Bail in connection with C.R. No. 04/2026 registered with Dighi Sagri Police Station, Raigad for the offences punishable under Sections 105, 125(b), 281 of the Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and Sections 184, 185, 146, 196, 3(1) / 181 of the Motor Vehicles Act, 1988.

3. Applicant before me is a young offender, 19 years of age, studying in college in the first year Bachelor of Arts stream. On 31.01.2026, he along with his friends was traveling in a Swift car belonging to one of his friends who was traveling along with him. Case of the prosecution is that the victim who was riding on his

motorcycle and proceeding from Shekhadi Diveagar Borli Road was dashed by the Swift car which was driven by the Applicant. Further case of the prosecution is that the Applicant was also intoxicated. None of the other persons who were in the car are indicted otherwise. Since the dash was fatal, the victim has lost his life. Applicant is arrested and is incarcerated for the past more than 9 months.

4. Mr. Nirmal would submit that the time of the incident being 23:00 hours in the night be considered by the Court and especially on the road where there were no streetlights and therefore the benefit of doubt be given to the Applicant considering the fact that the Applicant did not have any *mens rea* and any premeditation to commit the crime in question. He would also submit that investigation has also pointed out in that direction that there was no nexus between the Applicant and the deceased victim either.

5. Though *prima facie*, as per the prosecution case, it may appear that the accident in question happened due to the car having been driven by a young offender who was intoxicated and it may have a societal impact, I have to consider the case of the Applicant for bail on overall consideration primarily because the Applicant being a young offender deserves to be given a semblance of a chance towards a reformative approach so that he can become a good citizen of society.

6. Considering Applicant's age, if he is enlarged on bail Court is hopeful that his family will undoubtedly do their duty to make every effort and attempt to reform and aid the Applicant in leading a reformed life while on bail rather than keep him in prison and expose him to criminal outlook and life in prison. However on the flip side, if a chance is given to the Applicant because of his young age by enlarging him on bail, there is a possibility that he will be remorseful and repent in retrospect. This is a chance required to be taken by the Court because punishment has to be believed to be inflicted for a reformative result rather than being punitive in nature.

7. Undoubtedly the trial will determine the complicity of Applicant in the offence. While considering Bail Application in such facts, Court feels that reform and rehabilitation of the under trial accused needs to be considered especially when age of the accused person is young so that he gets an opportunity / or is given an opportunity to reform, rehabilitate and earn his livelihood honorably from the perspective of social integration. This is a chance which the Court must take considering the young age of accused person. The age of the Applicant is very young. If the Applicant is incarcerated in prison further, there is every possibility that he might lose faith in the institution and society at large and may tread the path of criminality or would waste his life.

Incarceration in prison exposes many youth to abuse as is shown statistically.

8. There are several harms of incarceration which are inflicted disproportionately on the youth. This is the reason why Court feels that any / every semblance of a chance towards a reformative approach in punishment should be adopted, especially in the case of young offenders. Hence every opportunity or to that extent risk should be constructively taken by the Court in the case of young offenders – accused before committing such accused to further custody and give such accused an opportunity to become a good citizen in the Society. These observations are only in the view of the young age of the Applicant before me and it is only a means to explore an alternative to incarceration so that the Applicant can become a good citizen.

9. Applicant is incarcerated for more than months. Hence, in view of my aforesaid prima facie observations, Bail Application is allowed subject to the following conditions:-

(i) Applicant is directed to be immediately released on bail from prison in connection with C.R. No. 4 of 2026;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like

amount;

(iii) Applicant shall report to the Investigating Officer at Dighi Sagri Police Station, once every month on the first Sunday of the month between 10:00 a.m. to 12:00 p.m.;

(iv) Applicant shall co-operate with the conduct of trial and attend the Trial Court on all dates, unless specifically exempted and will not take any unnecessary adjournments, if he does so it will entitle the prosecution to apply for revocation of this order;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current address and mobile contact number and / or change of residence or mobile details, if any, from time to time, as applicable; and

(viii) Any infraction of the conditions shall entail cancellation of bail granted to the Applicant.

10. Needless to state that the above observations will not come in the way of trial as they are *prima facie* in nature based on the submissions made and the material placed before this Court.

11. Bail Application is allowed and disposed of in the above terms.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.07 19:41:11 +0530