

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1913 OF 2025

Sanjay Datta More	...Applicant
<i>Versus</i>	
The State Of Maharashtra	...Respondent

Mr. Advait Shukla i/by Ms. Neetu Singh a/w Mr. Aman Singh a/w
Ms. Ruchi Singh a.w Ms Smita Avsarkar, for the Applicant.
Mrs. Sangeeta D. Shinde, APP, for the Respondent - State.
Mr. Satish Thorat, PSI, Kurla Police Station, Mumbai, is present.

CORAM: R. M. JOSHI, J.

DATED: 30th MARCH, 2026

PC:-

1. Applicant who is said to have driven BEST bus on 9th December, 2024 in rash and negligent manner, causing death of nine persons and injuring about thirty seven persons so also causing damage to twenty two vehicles, is seeking bail in connection with Crime No. 646 of 2024 registered with Kurla Police Station, Mumbai, for the offences punishable under Sections 105, 110, 118(1), 118 (2), 324 (5), 125(a)(b), 319(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short "B.N.S.") and Section 184 of the Motor Vehicle Act, 1988 (For short "M.V. Act")

2. It is the case of the prosecution that on 9th December, 2024 at about 9:30 p.m. an electric bus was driven by the Applicant on S. G. Barve Marg, Kurla, Mumbai. There is allegation that in the

crowded area wherein there was heavy traffic of vehicles, the Applicant drove the bus in rash and negligent manner and in excessively high speed which resulted in crashing of the bus into as many as twenty two vehicles and taking life of the nine persons and injuring several other persons. In connection with this crime, Applicant/driver of the said bus came to be arrested. Investigation was carried out.

3. During the investigation, the re-creation of the incident was done. Wherein it was found that the Applicant had no proper knowledge of the electric bus, and which led to occurrence of accident. Statements were also recorded indicating the contract of engaging drivers for driving buses of BEST Undertaking. As per the contract with the service provider, it was expected that minimum seven days of training was required to be imparted to the drivers before calling upon them to drive the buses with passengers therein. The chargesheet indicates that only three days training was given on stimulator without any practical training of driving buses on road being imparted to those drivers, including present Applicant. On conclusion of the investigation, chargesheet came to be filed against Applicant so also against co-accused.

4. Learned Counsel for the Applicant submits that even if case of the prosecution is accepted/correct, the offence which could be said to have been committed by the present Applicant cannot travel beyond section 106 of B.N.S.. It is his submission that the Court is required to take into consideration the backdrop in which the Applicant was called upon to drive the bus with passengers. It

is his submission that the Applicant was not given adequate training before he was called upon to drive the said bus. Without prejudice, it is his submission that even if it is accepted that the Applicant without sufficient knowledge has driven the said bus, it is not the case that the Applicant has unauthorisedly driven the said bus in order to attribute any malafide against him. It is his submission that Applicant in any case could not refused to drive electric bus, being contract employee and susceptible for removal from work, for non compliance of order of superiors. It is his further submission that in any case there is no intention or motive which could be attributed against the Applicant for killing any person. He further argued that there is no allegation against the Applicant that he was under the influence of liquor or drug while driving the vehicle to attribute knowledge of causing of accident. It is his submission though charge has been framed, as many as ninety witnesses are proposed to be examined by the prosecution and hence there is no chance that trial is getting over in few years. It is his submission that the offence punishable under section 106 of B.N.S., prescribes maximum punishment of five years imprisonment with fine. According to him Applicant cannot be kept in jail by way of pretrial sentence and hence be enlarged on bail.

5. Learned APP opposes the application firstly citing seriousness of the crime in which nine persons lost their lives and thirty seven persons were injured, apart from the damage caused to twenty two vehicles. It is submitted that in fact the Applicant knew that he had no enough knowledge or experience of driving

of electric bus but instead he drove the same. She drew attention of this Court to the statement of the conductor of the bus which indicates that in a crowded area with heavy traffic, the bus was driven in excessive speed and instead of stopping the bus on indicating to do so the bus was driven in higher speed. It is submitted that the Applicant ought to have applied the brakes instead he pressed accelerator. It is submitted that this conduct of the Applicant merely indicates his negligence. It is further argued that there is sufficient material on record to show that there was no technical fault in the bus which could have become cause of accident. On these amongst other contentions she seek dismissal of the application.

6. No doubt, in the accident in question nine persons have lost their lives and number of others sustained injuries. The question before this Court is whether the act alleged to have been committed by Applicant would be considered for grant or refusal of bail or the consequence thereof. Similarly, in case it is found that the act by itself does not *prima facie* amounts to an offence of murder punishable under Section 105 of B.N.S., however solely the reason of number of casualties the application for bail could be rejected. In considered view of this Court, it is required to see whether *prima facie* this is a case covered by Section 105 of B.N.S. as claimed by the prosecution or Section 106 of B.N.S. as sought to be argued on behalf of the Applicant, and that only would become decisive factor in this application rather than consequences of the act.

7. *Prima facie* perusal of the chargesheet indicates that the Applicant had enough experience of driving bus, though not of driving electric bus. He applied for the post of Driver on contract with BEST Undertaking. The BEST undertaking was required to impart the training of at least seven days to the Applicant and any other driver so engaged. *Prima facie* material on record indicates that for the reasons best known to the administration of BEST Undertaking, the period of training was reduced to three days and shockingly no practical training was given to the drivers. There could absolutely be no jurisdiction for not providing adequate training to the drivers before they are called upon to drive the bus carrying passengers and on busy roads in Mumbai. Apparently, the administration and person responsible for the said decision of curtailing training period and not giving field training i.e. driving bus on road, has led to the occurrence of such painful incident.

8. Pertinently this is not a case wherein the Applicant unauthorisedly drove the bus belonging to the BEST Undertaking. Needless to say that he was duty bound to drive the bus once is called upon by the employer/supervisor to do so. It is easy to say that the Applicant should have refused to drive the electric bus for want of sufficient knowledge however in reality when the employment is scarcely available and when person is required to maintain his family, practically it becomes impossible to refuse to comply order of superiors, in fear of loss of employment / bread butter of family.

9. In any case it can not be said that the bus was driven by the Applicant under the influence of liquor or any drug in order to infer that he had knowledge of causing of such accident and therefore to be held responsible for the same. This Court therefore finds *prima facie* substance in the contentions of the Counsel for the Applicant that for want of any knowledge or intention, the offence could to be covered under Section 106 of B.N.S. which provides for punishment of imprisonment to the extent of five years. Applicant is in jail from 10th December 2024 i.e. a period of one year and five months. As informed to this Court that ninety six witnesses are to be examined and after framing of charge on 13th October 2025, not a single witness has been examined till date. This Court therefore, finds no reason to believe that trial is likely to be completed within a reasonable time. Needless to say that the Applicant cannot be kept behind bars by way of pretrial sentence. He has no criminal history. He is not likely to flee from justice. Hence, following order.

ORDER

- i) Criminal Bail Application stands allowed in connection with the Crime No. 646 of 2024 registered with the Kurla Police Station, Mumbai for the offences punishable under Sections 105, 110, 118(1), 118 (2), 324 (5), 125(a)(b), 319(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 184 of the Motor Vehicle Act, 1988.
- ii) The Applicant be enlarged on bail, on furnishing P. R. Bond of Rs.15,000/- with one surety in the like amount, to the satisfaction of the Trial Court.

- iii) The Applicant not to directly or indirectly cause the interference in the evidence of the prosecution.
- iv) Applicant to attend all dates of hearing before the Trial Court unless exempted from appearance by passing specific order.
- v) Any breach of the above condition shall result forthwith in cancellation of bail.

10. It is clarified that the above observations are made on *prima facie* consideration of the material on record and the same shall not bind the parties during the final hearing of the Trial Case.

(R. M. JOSHI, J.)

VDMokal/-