

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1173 OF 2026

Ramesh Devji Jatrara	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Senior Counsel Mr. Abad Ponda a/w Ms. Anjali Patil a/w Mr.
Omkar Gurav, for the Applicant.
Mr. S. S. Ghag, APP, for the Respondent - State.
Mr. Gajanan Patekar, P. I., Dindoshi Police Station, Mumbai, is
present.

CORAM: R. M. JOSHI, J.

DATED: 7th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with Crime No. 89 of 2026 registered with Dindoshi Police Station, Mumbai, for the offences punishable under Section 105, 106(1) of Bhartiya Nyaya Sanhita, 2023 (for short "B.N.S.") and Section 134(A) and 134(B) of Motor Vehicle Act, 1988 (for short "M.V. Act").

2. As per the case of the prosecution, on 7th February 2026 at about 4:30 p.m. Applicant drove Toyoto Innova vehicle in rash and negligent manner and dashed towards child who was aged about 4 years. In the said accident the child died. Offence came to be registered against the Applicant. He was arrested. He was taken before the Magistrate. Magistrate granted bail to the Applicant. It is thereafter, statement was recorded of the cousin

of the deceased on 8th February 2026. On the basis of the said statement, Applicant came to be re-arrested. Statement came to be registered. On the basis of which Applicant came to be re-arrested. Since his Application for bail came to be rejected by the Sessions Court, present application.

3. Heard learned Senior Counsel appearing on behalf of the Applicant. He drew attention of the Court to the First Information Report which according to him indicates that this is a case of accidental death. It is his submission that on the basis of the First Information Report it cannot be attributed against the Applicant that he was intending to kill in even much less particularly the deceased. Reference is made to the statement of Kishor recorded on 8th February 2026 which states about the previous quarrel with the Applicant and threat given by him. It is his submission that even it is accepted as any such incident had occurred earlier, still there is no attribution against the Applicant that he was intending to kill the child. It is his submission that having regard to the allegation of rash and negligent driving and case of motor vehicular accident, it is a fit case for grant of bail. Applicant is state to have no criminal history behind it.

4. Learned APP vehemently opposes the application. Post he submitting that in the incident in question a child of 4 years age died. It is his submission that the Applicant was knowing that the children playing in the parking area, we ought to have taken utmost care while driving the vehicle. It is his submission that the statement of informant, so also the statement of Kishor may

indicate that it was a rash and negligent act on the part of the Applicant in driving the vehicle.

5. *Prime facie* perusal of the record indicates that it is a case of an unfortunate accident of involving motor vehicle in which child aged about 4 years died. Even if, it is accepted that any quarrel occurred between witness Kishor and present Applicant about two months prior to the occurrence of the incident, still there is no attribution against the Applicant that he intended to cause death of the child or for that sake any other child. Having regard to the *prima facie* statement on record more particularly statement of the watchman of the building who is first informant, it could be said that this is a case of an unfortunate accident involving a motor vehicle. In such circumstances, there is no justification in denying bail to the Applicant. He cannot be kept in jail by way of pre-trial sentence. He has no criminal history. He is not likely to flee from justice. Hence, order.

ORDER

- i) Criminal Bail Application stands allowed in connection with Crime No. 89 of 2026 registered with Dindoshi Police Station, Mumbai, for the offences punishable under Section 105, 106(1) of Bhartiya Nyaya Sanhita, 2023 and Section 134(A) and 134(B) of 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) Applicant to attend all dates of hearing before the Trial Court, unless exempted by specific order.

- iv) Any breach of the aforestated condition shall result forthwith into cancellation of bail.

6. In view of the above, Application stands allowed and disposed of accordingly.

7. 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/-