

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1937 OF 2026

Babarao S/o Sonba Pawar : Applicant
Versus.
The State of Maharashtra : Respondent

Mr. Abhijeet Bhagat (Through V.C.) a/w Mr. Prashant H Varkad for
the Applicant.

Mr. Amit Palkar, APP for the Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17 JUNE 2026

PC:-

1. Heard Mr. Abhijeet Bhagat, learned Advocate for the Applicant and Mr. Amit Palkar, learned APP for the Respondent/State.

2. By the present Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicant seeks bail in Crime No. 568 of 2025, dated 22 November 2025, registered at Bavdhan Police Station, Pimpri Chinchwad, Pune, for offences punishable under Sections 105, 106(1), 15(b), 281 and 324 of the Bharatiya Nyaya Sanhita, 2023 and Sections 184, 119 and 177 of the Motor Vehicles Act, 1988.

3. Applicant is the sole accused in Crime No. 568 of 2025.

4. Mr. Abhijeet Bhagat, learned Advocate for the Applicant, submits that Crime No.568 of 2025 has been registered as RCC No.225 of 2026 and is pending before the Judicial Magistrate First Class at Paud, Pune.

5. The FIR has been registered at the instance of Govind Baburao Malpote i.e. the uncle of Vaibhav Vilas Malpote (deceased). The prosecution's case is that on 22 November 2025 at about 11.45 a.m., the deceased was riding his motorcycle. At that time, the truck/Tata Dumper bearing No. MH-12 YC 8487, driven by the Applicant, dashed into the motorcycle on which the deceased was travelling. Due to the impact, the deceased sustained injuries and succumbed to them.

6. The Applicant was arrested on 23 November 2025 and remains in jail as of date.

7. Criminal Bail Application No.598 of 2026 filed by the Applicant was rejected by the Additional Sessions Judge-11, Pune vide order dated 21 February 2026

8. Mr. Abhijeet Bhagat, learned Advocate for the Applicant, submits that there is no material on record to show that the Applicant was driving the said truck in a rash and negligent manner. He submits that there are no eyewitnesses to the incident. He submits that even if the allegations in the FIR are accepted, they would amount to contributory negligence on the part of both the truck and the motorcycle. He submits that the Applicant has no antecedents. He submits that the Applicant is a truck driver and that his entire family depends on him for their livelihood. He submits that the Applicant is a resident of Pune, Maharashtra.

9. Mr. Amit Palkar, learned APP for the Respondent/State, submits that the incident of 22 November 2025 indicates that the Applicant was driving the truck in a rash and negligent manner.

10. Perused the records with the assistance of the learned Advocates for the parties.

11. As submitted by Mr. Abhijeet Bhagat, learned Advocate for the Applicant, there are no eyewitnesses to the incident of 22 November 2025. The question in the present case is whether the Applicant caused the accident due to rash and negligent driving, or whether it is a case of negligent act with knowledge of the likelihood of its dangerous consequences, or whether the accident is due to contributory negligence. This is a matter for trial. The Applicant has been in custody since 23 November 2025. The chargesheet has been filed, however, as stated by Mr Abhijeet Bhagat, learned Advocate for the Applicant, the trial has not yet commenced.

12. Considering the material on record, the facts and circumstances of the present case, the Applicant having no criminal antecedents, there being no apprehension of the Applicant tampering with the evidence, this would be a case to exercise discretion under Section 483 of the BNSS.

13. In view of the above, this Bail Application is allowed on the following conditions.

- (a) Applicant is directed to be released on bail in connection with C.R. No. 568 of 2025 registered with Bavdhan Police Station, Pimpri Chinchwad, Pune, upon furnishing

a PR. Bond in the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand only) with one or two sureties, in the like amount, to the satisfaction of the Judicial Magistrate First Class, Paud, Pune.

- (b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case to dissuade that person from disclosing the facts to the Court or any police officer. Applicant shall not tamper with evidence.
- (c) Applicant shall, within three (3) days of his release from jail, provide to the Investigating Officer, Bavdhan Police Station, Pimpri Chinchwad, his residential address with proof, the contact numbers and must inform the Investigating Officer about the change in the same from time to time.
- (d) Applicant shall regularly appear before the Judicial Magistrate First at Paud, Pune in RCC No.225 of 2026, as and when the matter is fixed, unless specifically exempted.

14. Criminal Bail Application No.1937 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)