

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 347/2026

(Pravin S/o Balkrushna Kolhe Vs. State of Maharashtra)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. C.R. Thakur, Advocate for applicant.
 Mr. A. R. Chutke, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 09/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.637/2025 registered with Police Station Gadchiroli, Dist. Gadchiroli for the offence punishable under Sections 281, 105, 125(a), 125(b), 3(5) of the Bharatiya Nyaya Sanhita and Sections 134, 187, 184 of the Motor Vehicle Act.

3. Brief facts of the prosecution story are that the informant Piyush Bapunath Kohpare lodged a report alleging that on 07/08/2025 around 04:00 a.m., the informant along with his 9 friends went for doing exercise on village Katli to Nagari Fata Road and while returning from Nagari Fata, some of them stopped near one bridge over Nala at Katli Chack and some were doing exercise on

the side of the road at around 05:10a.m. At the time, one truck came from Gadchiroli road speedily who was proceeding towards Armori in a rash and negligent manner and ran over those who were exercising on the road killing two and injuring others. It is alleged that after giving dash, the truck driver drove away towards Armori. Based on these allegations, First Information Report ("FIR") was registered.

4. The learned counsel for the applicant submits that the applicant is the cleaner and one Sunil Margaye was the driver. He submits that in the entire charge-sheet, there is no evidence to show that the applicant was driving the vehicle. It is alleged by the prosecution on the basis of the statement of main accused Sunil that the applicant was driving the vehicle. Apart from that, there is no other evidence against the applicant. In fact, according to the learned counsel, at the relevant time, both were present in the truck. The learned counsel further submits that the main driver accused who was driving, has been granted bail and only on the basis of the statement of accused Sunil, it is presumed that the applicant was driving the vehicle. Statement of Sunil cannot be considered at the

time of granting bail as it is inadmissible. He submits that considering the fact that there is no evidence on record to show who was driving the vehicle, under such circumstances, being the cleaner of the said truck, the applicant cannot be put behind bars indefinitely merely on the basis of the statement of co-accused namely Sunil, therefore, he submits that the applicant be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that young boys who were aged about around 14 -15 years were doing exercise on the road. The applicant in rash and negligent manner was driving the vehicle and ran over them, which causing death of four young boys. He submits that there were total 10 boys who were exercising, out of them four boys died, two were seriously injured and two sustained minor injuries. He submits that during the investigation, it transpired that the applicant was driving the vehicle at the relevant time. Therefore, he submits that considering the gravity of offence, the applicant may not be released on bail.

6. I have considered the rival submissions. It is a very unfortunate incident in which four young boys aged 14 to 15 years have lost their life, two are seriously injured, two are having minor injuries and two are unhurt in the road accident without having any fault. After going through the entire charge sheet, it is not clear whether the applicant or Sunil Margaye was driving the vehicle at the relevant time. It further appears that Sunil is the driver and applicant is the cleaner. Merely said Sunil gave statement to the Police that at the relevant time the applicant was driving the vesicle cannot be accepted. No concrete material was placed that it is the only applicant who was driving the vehicle and not Sunil. Needless to mention that Investigating Officer should have taken much efforts in order to find out who was driving the vehicle at the time of incident. On query made by this Court, the learned APP submitted that the statement of owner was recorded, however, it was placed in file-B and it is not part of the charge sheet. It is further to be noted that said Sunil has been granted bail by the Trial Court. Therefore, merely on the basis of the statement of co-accused, the applicant cannot be kept behind bars. In view of this, I am inclined

to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Pravin S/o Balkrushna Kolhe be released on regular bail in connection with Crime No.637/2025 registered with Police Station Gadchiroli, Dist. Gadchiroli for the offence punishable under Sections 281, 105, 125(a), 125(b), 3(5) of the Bharatiya Nyaya Sanhita and under Sections 134, 187, 184 of the Motor Vehicle Act on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

7. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observations.

(M. M. NERLIKAR, J.)

Gohane