

MHNS070010732025

Cri. Bail Appln. No. 459 of 2025.

Dattu Ramdas Chaudhari
Vs.
The State of Maharashtra

ORDER BELOW EXH.1
(Passed on 05/06/2025)

1. This is an application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of regular bail to the applicant-accused in connection with C.R. No.289/2025 registered at Manmad Police Station for the offence punishable under Section 105, 118(1), 118(2), 324(2) of the Bhartiya Naya Sanhita, 2023, (hereinafter for short 'the B.N.S.') and p/u/s. and 134, 177, 184 of Motor Vehicles Act.

2. The respondent/State appeared through Ld. APP and opposed the bail application by filing say of the I.O. at Exh.4.

3. Heard, Shri. Anjar Shaikh, Ld. advocate for the applicant-accused, Shri. S. K. Sonawane, Ld. APP for the State. Both argued vehemently.

4. Ld. Advocate for the applicant-accused submitted as under :-

The applicant-accused is arrested on 15/05/2025 only on the basis of suspicion. He is arrested on the basis of statement of witness who is his brother. The applicant-accused is remanded in MCR on 16/05/2025 as police did not seek his police custody. In the FIR it is alleged that Chandrakant Ramdas Chaudhari caused an accident by giving forceful dash to the motorcycle riders, therefore, one of the

motorcycle rider died and the applicant-accused dragged the motorcycle with motorcycle rider. It is further alleged that during investigation it is found that the applicant-accused was driving the Bolero Pickup vehicle and that the applicant-accused did not inform to police about the happening of accident and fled away from the spot. Considering the allegations in the FIR Section 105 of B.N.S. could not be attracted. Nothing is to be seized or recovered from the applicant-accused. Therefore, his further custodial interrogation is not necessary. Practically the investigation is complete. No purpose would be served in keeping the applicant-accused behind the bars. He is having permanent residence. He is ready to abide all terms and conditions of bail. He will co-operate with the I.O. for further investigation, if any. Therefore, regular bail be granted to the applicant-accused.

5. On the other hand, Ld. APP for the State submitted as under:-

The offence is serious. The applicant-accused drove Bolero Pick up vehicle in rash and negligent manner and gave forceful dash to the Bajaj Pulsar motorcycle and caused the death of one motorcycle rider and dragged motorcycle rider and the motorcycle at a distance and fled from the spot without informing about the happening of accident. Sections levelled are applicable against the applicant-accused considering the gravity of his rash and negligence in driving the vehicle. Investigation is yet to be complete. If bail is granted to the applicant-accused he will tamper with prosecution evidence and witnesses. Further, he may commit similar kind of offence. Therefore, the bail application should be rejected.

6. From the copy of FIR prima facie it can be said that FIR is registered on 15/05/2025 at 07.22 hours. It is in respect of accident

which took place on 15/05/2025 at about 03.00 a.m. It is to be noted that FIR is lodged against one Chandrakant Ramdas Chaudhari and not against the applicant-accused. According to prosecution during investigation statement of brother of applicant-accused namely Chandrakant Ramdas Chaudhari is recorded and he has disclosed that the Pickup Vehicle bearing registration No.MH-41-AU-8536 was driven by the applicant-accused at the relevant time, therefore, the applicant-accused came to be arrested. Considering the allegations in the FIR prima facie it can be said that allegations are in respect of happening of accident between Bolero Pick up vehicle and Bajaj Pulsar motorcycle.

7. After considering the contents of FIR and the fact that nothing is remained to be seized or recovered from the applicant-accused, it can be said that practically the investigation is complete. The applicant-accused is arrested on 15/05/2025 and remanded in MCR on 16/05/2025. More than 20 days period is lapsed. Nothing is to be recovered from the applicant-accused for the purpose of investigation. He is in jail since 16/05/2025. No purpose would be served in keeping him behind the bars as it will take time for police to file charge-sheet and for the commencement of the trial. It is settled law that bail is a rule and jail is an exception. The applicant-accused is having permanent residence. He is ready to abide all conditions of bail. So far as the objections raised by the Ld. APP and I.O. are concerned, care of it can be taken by imposing certain conditions on the applicant-accused. Therefore, it can be said that the applicant-accused is entitled for regular bail on certain conditions. As such, the application is to be allowed by imposing certain conditions. Hence, I pass the following order.

ORDER

The application is allowed as under :-

1. Applicant-accused namely Dattu Ramdas Chaudhari, who is in magisterial custody in connection with C.R. No.289/2025 registered at Manmad Police Station for the offence punishable under Section 105, 118(1), 118(2), 324(2) of the Bhartiya Naya Sanhita, 2023 and p/u/s. and 134, 177, 184 of Motor Vehicles Act, be released on bail on his executing P. R. bond of Rs.1,00,000/- (Rs. One lac) with one or more solvent surety/sureties of the like amount and on following terms and conditions :-
 - i) The applicant-accused shall remain present at any place as and when called by the I.O. for the purpose of further investigation, if any.
 - ii) The applicant-accused shall produce any document/documents, article/articles, mobile phone, and sim card numbers, etc. which may be required by the I.O. for the purpose of further investigation, if any.
 - iii) The applicant-accused shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
 - iv) The applicant-accused, after his release from the Jail, shall attend concerned Police Station on every Sunday between 11.00 a.m. to 01.00 p.m., till the filing of charge-sheet or till the expiry of period of 30 days from today, whichever is earlier.
 - v) The applicant-accused shall not commit any offence in future.
 - vi) The applicant-accused shall not tamper with the prosecution witnesses and evidence in any manner.
2. The applicant-accused shall furnish his detail address and temporary address alongwith the Photo ID.
3. The applicant-accused shall furnish names and detail address and mobile phone numbers of his three close/blood relatives.
4. If there is change in the address of applicant-accused, he shall inform about it to the concerned court and Police Station.
5. The applicant-accused to submit his Passport, if any, to the concerned Police Station within 15 days of his release from the

Jail.

6. Inform accordingly, to the D.G.P./PP and Police Officer of concerned Police Station.
7. Bail before the concerned Court.

(Soft copy of this bail order be sent to the concerned Jail Authority through E-mail for providing its copy to the applicant-accused.)

Date- 05/06/2025.
Malegaon.

(K. R. Patil)
Addl. Sessions Judge, Malegaon,
Dist. Nashik.