

: ORDER BELOW EXH.1 IN CRI. MISC. APPLICATION NO.
31/2026 :
(CNR No. MHRG15-000141-2026)
(Passed on 20.03.2026)

1) This is an application seeking a regular bail, made by accused **Rushikesh Balasaheb Jodh**, concerning the offence punishable under sections 105, 125(b), 281 of the Bharatiya Nyaya Sanhita, 2023 (in short, "B.N.S.") and sections 184, 185 of the Motor Vehicles Act, 1988 (in short, "M. V. Act."), in Crime No.04 of 2026 registered with Dighi Sagri Police Station.

2) It is contended that the accused is innocent and has falsely been implicated in the crime. In the present incident there is no *mens rea*. Section 106 of B.N.S. is not applicable. Accused is law abiding person. There are no criminal antecedents against him. He is ready to abide by all the conditions. He would not flee from justice. Bail is the rule and jail is exception. In view of observations of the Hon'ble Supreme Court the accused is entitled to be released on bail. It is submitted to allow the application.

3) The Investigating Officer and the Ld. A.P.P. for the State, opposed the application by filing say (Exhs.5 and 8). It is contended that the accused dashed against the motorcycle rode by the informant, thereby injuring the cousin and sister-in-law of the informant. The injured died of the accidental injuries. The accused had consumed liquor at the time of driving the car in rash and negligent manner.

4) The application is opposed on the grounds that the C.A. Report has confirmed that the accused was under influence of the liquor. On being released on bail, the accused could threaten witnesses and panch witnesses. There is no possibility that he would remain present before the Court. Such type of crimes have been increasing rapidly. On releasing him on bail, the like minded people would not fear law. The accused could make obstacles in the investigation. The Law and Order situation could arise. Hence, the application may be rejected.

5) Heard both sides and perused the record. Ld. Advocate Mr. Rajesh Waghmare for accused, and the Ld. A.P.P. Mr. Y. A. Tendulkar for the State, iterated the contentions made in the application and say, respectively.

6) Ld. Advocate for accused would submit that the accused is of a tender age. He is the only earning member in the family and is ready to abide by all the conditions. There was no intention to commit the alleged offence. It is submitted to grant conditional bail.

7) The Ld. A.P.P. would submit that the accused aged 19 years drove the Four-Wheeler in rash and negligent manner after consuming liquor. The C.A. Report shows the large percentage of alcohol in the blood sample. Such type of offences are increasing rapidly, thereby endangering life of people. The investigation is underway and the accused is not entitled to be released on bail.

8) Ld. Advocate for the accused would rely on the citations, thus: (I) **Alister Anthony Pareira Vs. State of Maharashtra, (2012 AIR SCW 930)**. Wherein, the Hon'ble Supreme Court was pleased to make observations while dismissing the Criminal Appeal made against conviction order passed by the Hon'ble High Court; and (ii) **Bhagirathsinh Vs. State of Gujarat, (In Criminal Appeal No.658 of 1983, Judgment dated 21.11.1983)**. Wherein, the Hon'ble Supreme Court was pleased to observe, thus: *“If there is no prima facie case there is no question of considering other circumstances. But even where a prima facie case is established, the approach of the court in the matter of bail is not that the accused should be detained by way of punishment but whether the presence of the accused would be readily available for trial or that he is likely to abuse the discretion granted in his favour by tampering with evidence.”*

9) It is seen that the accused came to be arrested on 31.01.2026, after undergoing Police Custody Remand he is Judicial Custody. The allegations are that the accused under influence of the liquor drove a Four-Wheeler, dashed against the motorcycle and not only this, he drove the Four-Wheeler even then the deceased got entangled to the Four-Wheeler. It is contended that in the CCTV Footage the same is recorded. The C.A. Report mentions large percentage of alcohol in the blood samples.

10) The investigation is incomplete, the possibility of

tampering the witnesses, and/or the accused getting absconded, cannot be ruled out.

11) Such type of offences have been increasing rapidly, sending shock waves in the public in large. Drunk driving and accident thereby life of people is lost cannot be taken so lightly. There is a *prima facie* strong material against the accused. Lives of two people have been lost. Release of the accused is not just and proper.

12) The ratios laid down in the cited cases (supra) in above mentioned different facts and circumstances, are not helpful to the accused, at this stage.

13) All in all, the accused is not entitled to be released on bail. Hence, the following order:-

: ORDER :

The application is rejected.

Mangaon.
Date: 20.03.2026.

(S. T. Bhalerao)
Additional Sessions Judge,
Mangaon, Dist. Raigad.