



ITEM NO.62

COURT NO.6

SECTION II-A

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

**Petition(s) for Special Leave to Appeal (Crl.) No.
16770/2024**

**[Arising out of impugned final judgment and order
dated 25-10-2024 in CRLBA No. 3412/2024 passed by
the High Court of Judicature at Bombay]**

JAY CHANDRAHAS GHARAT Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA Respondent(s)

**(IA No. 31215/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)**

Date : 03-03-2025

This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ARAVIND KUMAR**

For Petitioner(s) :

**Mr. Gaurav Agarwal, Sr. Adv.
Mr. Susmit Phatale, Adv.
Mr. Sudhanshu Kaushesh, Adv.
Mr. Pulkit Agarwal, AOR**

For Respondent(s) :

Mr. Samrat Krishnarao Shinde, Adv.

**Mr. Aaditya Aniruddha Pande, AOR
(Not present)**

**UPON hearing the counsel
the Court made the following
O R D E R**

1) Arising out of an order rejecting regular bail for the offences registered under Sections 201, 279, 304, 304(2), 338, 353, 504 of Indian Penal Code read with Sections 134(A), 134(B) and 184 of Motor Vehicle Act, the present Special Leave Petition has been filed seeking bail.

2) On perusal of the facts, as alleged, on 06.04.2024 at around 10:48 p.m., the petitioner, while driving Creta car dashed against the

scooty on which the deceased couple was travelling along with their daughter. Because of the impact, couple died on the spot and their daughter was seriously injured. After the death of couple, the injured daughter and two other minor children of the couple became orphan.

3) During the pendency of this petition, the father of the accused showed compassion and stated that he is taking care of the treatment of the injured daughter and assured that he will deposit Rs. 50 lakhs immediately in a fixed deposit in a nationalized bank in the names of three minor children namely Master Praveer Pabitra Baral, Master

Ayushman Pabitra Baral and Miss Pranita Pabitra Baral to show his bona-fides and a further sum of Rs. 50 lakhs shall also be deposited in two installments in future.

4) Apropos the order dated 13.2.2025, Rs. 50 lakhs has been deposited in Bank of Baroda, Uran Branch, in saving account no.390010001032 which is in the name of Mr. Chandrahas Balakrishna Bharat (petitioner's father) and on his request, vide letter dated 17.02.2025, bank has informed that lien amount of Rs.50.00 lakhs is marked to said savings account number and in the name of three minor children specified therein. It is also stated in the

communication dated 17.02.2025 by the bank that in the absence of Natural or Legal guardian to the minor children, such deposit cannot be made in the names of the minor. Verification of such deposit has been made by the Registry and confirmed as reflected in the office report dated 27.02.2025.

5) In view of the above, as informed, the uncle of the three children, who is said to be taking care of three minor children, was issued notice on 20.02.2025 and he appeared virtually along with Mr. Jitendra Misal, Police Inspector P.S. Urna. The uncle namely Shri Benudhar Panchu Baral be impleaded as party

respondent in the proceedings. Cause-title be amended accordingly.

6) We have interacted with uncle Shri Benudhar Panchu Baral to know about the status of three minor children staying with him, for ascertaining their welfare including their education, health and other needs. It is informed that all three children are staying with him and they would continue to be with him. He has also stated that minor children are studying at Saint Marry Convent High School, Uran and school fee of Rs. 25,000/- p.a. for each child is being paid by him in addition to the other expenses incurred for their well-being and

upbringing.

7) Considering the aforesaid, Shri Gaurav Aggarwal, learned senior counsel for the petitioner has assured that father of accused would pay Rs. 25,000/- p.m. for next six months by depositing the same in the bank account of uncle-Benudhar Panchu Baral (Account No. 11438645781, State Bank of India, JNPT Township, Uran, Raigad - IFSC SBIIN0009832) for maintaining and paying the school fee of the three children.

8) A sum of Rs. 50,00,000/- (Rupees Fifty Lakhs) lying with the Bank of Baroda, Uran Branch, on which a lien certificate has been issued, is ordered to be kept in a Fixed Deposit

in the names of the three minor children represented by their Uncle/legal guardian Mr. Benudhar Panchu Baral for a period of one year and the FDR shall be forwarded to this Court in a sealed cover and it shall be in the safe custody of Registrar(Judicial).

9) In the light of aforesaid facts, this Court is cast with the duty to supervise for sometime the well-being of the three children through the concerned Station House Officer as well as the Member Secretary, District Legal Services Authority (DLSA). The SHO concerned shall submit a report to the Member Secretary, DLSA fortnightly.

Simultaneously, the report of the mindset of children from Social Welfare Officer be also called by the Member Secretary, DLSA and a consolidated report be forwarded by him every month to the Registry of this Court indicating thereunder the overall, well-being, education and health of three children.

10) As submitted in the application No:45468 of 2025 dated 18.02.2025 filed by father of the petitioner/accused, seeking permission to file additional documents, a further sum of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) shall be deposited on or before 20.05.2025 in the account of Minors

represented by the Legal guardian as indicated above and he shall make further deposit of Rs. 25,00,000/- (Rupees Twenty Five Lakhs) within next 6 months as stated in para 3 of the said affidavit within the time as specified therein.

11) We make it clear that as stated before us, the amount offered and deposited by the father of the petitioner is an amount of compensation for the welfare of the children, notwithstanding the outcome of the criminal case or in other proceeding/s.

12) We have heard learned senior counsel for the petitioner on the issue of grant of bail. After hearing

and considering the peculiar facts of the case and taking note of the endeavour of the father of the petitioner for taking steps towards restorative justice, by which he has shown his concern to maintain the minor children after the demise of their parents on account of the road traffic accident caused by his son, we deem it appropriate to grant interim bail to the petitioner for a period of three months subject to compliance of the terms of the affidavit as referred to hereinabove.

13) In view of the foregoing, we direct that the petitioner be released on interim bail for a period of three months on such further terms

and conditions as may be deemed fit by the trial Court.

14) Copy of this order be sent to the Member Secretary, DLSA and to the Station House Officer concerned to do the needful.

15) List the matter on 23rd May, 2025.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
COURT MASTER (NSH)