

LADDA

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

CRIMINAL BAIL APPLICATION No. 2100 of 2013.

Santosh Ramdev Singh ..Applicant.

Versus

State of Maharashtra ..Respondent.

Mr Neville D. Deboo i/y Abhay Baliram Bhoir for the
applicant.

Mr Rajesh More, APP for the Respondent.

CORAM :- A.R. JOSHI, J
DATED :- 20th December, 2013.

P.C. :-

1) Heard learned counsel for the applicant. Also heard learned APP for the State. This is bail application preferred by the applicant in the matter of offence punishable under Sections 304, 337, 338, 201 read with section 34 of IPC.

2) The present applicant is the owner of the business being run in a rental premises at Gala No.65 near Ajmeri Masjid, Anis Compound, Saki Naka Mumbai 72. The First Information Report is given by PSI attached to Saki Naka Police Station. When he was in the Police

Station, in early morning of 10th November, 2013 a message was received from Seven Hills Hospital and Apex Hospital. In the said message, it was revealed that one person by name Mohd. Kalam Altaf Ahmed and another person by name Sunil Kumar Yadav got severe burn injuries due to blast of the furnace which was situated in Gala No.65 while work of powder coating was being done. The present applicant is the owner of said powder coating business. Gala no.65 is owned by one Dharmendra Jaiswal. Said Jaiswal has been released on bail by Sessions Court.

3) After receipt of the message from the two Hospitals as mentioned above, the complainant PSI went to Seven Hills Hospital and enquired with the doctor and found that the worker by name Sunil Kumar Yadav had severe burn injuries and was not in position to give statement. Then the enquiries were made with Seven Hills Hospital, wherein it was revealed that the bursting of the furnace occurred when the process of powder coating was being conducted in Gala No.65. Subsequently, while under treatment the workman Sunil Kumar Yadav succumbed to the injuries at Seven

Hills Hospital. Another person by name Mohd Kalam Altaf Ahmed continued to take treatment at Apex Hospital.

4) According to the prosecution, an offence punishable under section 304 is attracted along with other relevant offences so far as the present applicant is concerned. He being the owner of the said business and conducting the same in violation of the various rules and regulations of Municipal Corporation and also other laws concerning factory premises etc. It is further submitted that the investigation is still going on and report of Chemical Analyser, Fire Brigade report are still awaited. It is submitted that during investigation Forensic Experts and person from Disaster Management and Fire Brigade Officers had visited the place and their work is still going on regarding the reporting on the said incident.

5) Considering the seriousness of the matter and conducting such type of business of power coating which require that the metal articles which are to be coated with metal powder are required to be pre-heated by 180 degree centigrade and then powder

coating can be effected. Said business hazardous to the health of the workmen is being conducted in flagrant violation of all the Acts including the Acts applicable to the factory premises. Even it is also an aspect to be dealt with in the investigation as to how long such type of industry was being conducted and how it could not have been noticed by any of the Officers of the Mumbai Municipal Corporation or other Authorities who are required to deal with such type of industries being run in any areas. Also considering that the investigation is still going on, it is not in the fitness of the situation to release the present applicant on bail. Hence, the present application is dismissed and accordingly disposed of.

6) Office to send a Copy of the present order to the Assistant Commissioner of Police, Sakinaka Division, Mumbai in whose jurisdiction said incident of blast has been occurred in view of the observation made in the order. Copy also to be sent to Municipal Commissioner of Gr.Mumbai for appropriate action in view of the above observations.

(A.R. JOSHI, J)