

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.215 OF 2015

Akil @ Mohd. Kallu Shaikh

..Applicant

Versus

The State of Maharashtra.

..Respondent

....

Mr. Rajiv Patil, Senior Counsel i/b. Mr. Prashant Patil, Advocate for the Applicant.

Smt. Shilpa Gajare Dhumal, APP, for the State.

....

CORAM : A. R. JOSHI, J.

DATE : 27th APRIL, 2015
[In Chamber at 2:30 p.m.]

P.C.

1. Heard learned Senior Counsel on behalf of the applicant in this repeated Bail Application. Also heard learned APP for the State.

2. Earlier Bail Application No.185 of 2014 was finally heard in detail and was rejected on 2.4.2014 by a detailed reasoned order running in 11 pages. Thereafter second bail application was preferred by the applicant being Bail Application No.1338 of 2014 and it was rejected by still another rather less detailed order dated 10th October, 2014 as apparently still there were no changed circumstances though it was so argued on behalf of the applicant.

3. Present applicant is facing charge along with his two sons and his wife who has been bailed out, for the offences punishable under Sections 304, 420, 427 read with Section 34 of IPC and also punishable under Sections 52 and 53 of the Maharashtra Regional Town Planning Act, 1966. Without going much into the details as to how the offence was perpetrated, suffice it to say that C.R. No.714 of 2013 was lodged at Mumbra police station as a fall-out of collapse of building No.5 at Bano Complex, "C" Wing, situated at Jiwan Baug, Mumbra, District-Thane. Said building collapsed at about 8:00 a.m. on 21.9.2013 and on the same day the Assistant Commissioner, Mumbra Division, Thane Municipal Corporation lodged the FIR. Prior to this collapse of the building, much earlier in the year 2004 certain directions were given by the Municipal Corporation to the builders, including the present applicant who is one of the Partners, to demolish the concerned building No.5 which was constructed without observing any of the Rules and Regulations of Local Body or any other Government Authority. The said notice from the local Corporation were not honored. Subsequently some part of the building was demolished by the Corporation but still the entire building remained and which ultimately collapsed on 21.9.2013 causing casualties of lives of the persons residing therein. These aspects were dealt in detail while rejecting the earlier two bail applications.

4. Though certain points are raised so far as alleged change of circumstances, ultimately it is submitted on behalf of the

applicant that the applicant may be allowed to withdraw the present application with a liberty to keep alive his right to prefer application for bail in the event the trial prolongs indefinitely due to bulk of the matter and number of witnesses. As such, present application is allowed to be withdrawn with liberty as prayed for and accordingly disposed of as rejected. Directions are given to the trial Court to expeditiously deal with the matter as early as possible.

(A. R. JOSHI, J.)