

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 173 OF 2015

Shekhar Bhagwanrao Gore	Applicant
V/s.	
The State of Maharashtra	Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 143 OF 2015

Arvind Gyanchand Bansal and another	Applicants
V/s	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPLICATION NO. 129 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 143 OF 2015

Sandeep Ghadge	Intervener
----------------	----------------

IN THE MATTER BETWEEN

Arvind Gyanchand Bansal and another	Applicants
V/s	
The State of Maharashtra	Respondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 144 OF 2015

Rakesh Tikaram Vishwakarma and another	Applicants
V/s	
The State of Maharashtra	Respondent

WITH
CRIMINAL APPLICATION NO. 128 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 144 OF 2015

Sandeep GhadgeIntervener

IN THE MATTER BETWEEN

Rakesh Tikaram Vishwakarma and anotherApplicants
V/s

The State of MaharashtraRespondent

WITH
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 145 OF 2015

A. Parthiban and anotherApplicants
V/s

The State of MaharashtraRespondent

WITH
CRIMINAL APPLICATION NO. 130 OF 2015
IN
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 145 OF 2015

Sandeep GhadgeIntervener

IN THE MATTER BETWEEN

A. Parthiban and anotherApplicants
V/s

The State of MaharashtraRespondent

Mr. Prashant Patil for Applicant in ABA 173 of 2015

Mr. A. P. Mundargi Senior Advocate i/b Mr. Amol Doijode for applicant in

ABA 143 of 2015 & 144 of 2015

Mr. Manju Sharma for applicant in ABA 145 of 2015

Mr. M. S. Mohite for Intervener

Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 26, 2015

PC :

1) Heard. These are applications under section 438 of Code of Criminal Procedure, 1973. Applicants herein are apprehending their arrest in crime no. 6 of 2015 registered at Dahiwadi Police Station, District Satara for offences punishable under sections, 304, 337, 338, 226, 427 r/w 34 of Indian Penal Code.

2) By an order dated 10/02/2015, after hearing the parties at length, this Court was inclined to allow the applications seeking pre-arrest bail. Interim protection was granted in favour of the applicant. On the very first day of the hearing, after arguing the matter on merits, learned senior counsel as well as other counsel had volunteered on humanitarian grounds to pay the compensation to the deceased who have died in the incident as well as injured.

3) It is the case of prosecution that on 09/01/2015, at about 10.30 am, an explosion had taken place at village Bothe. Three persons had died and others were injured. Property, where explosion had taken place was known as Jungla. The work of erection of wind mills in Bothe Wind Farm Development Private Limited was in progress and explosion had taken place in the tin shed which was erected for the residential purposes of security guards and watchman.

4) The said tin sheds were erected by Kamal Enterprises as they had been entrusted with the job-work of laying foundation for installing the wind-turbine generators. The said job involves blasting, if necessary. Neither Bothe Windfarm nor Skyzen Infrabuild had any role in site management. The work was discontinued by Kamal Enterprises on account of the dispute raised by Skyzen Infrabuild and therefore the contract was given to a proprietary concern of Shekhar Gore known as Aditya Constructions. The said contract includes turn key contract including material, labour, equipment, machinery, blasting etc and any other form of excavation. It has also transpired that Bothe

Windfarm and Skyzen Infrabuild have no dominion, control or any connection with the work allotted to Kamal Enterprises, Aditya Constructions, except for the fact that the contract has given to the said firms. In the course of investigation, it had transpired that at about 9.30 am, workers had ignited the waste material and the fire had taken place. Applicants herein were not present at the scene of offence. It is neither the case of prosecution that material was stored by them or the explosion had taken place with their knowledge. Be that as it may, case of custodial interrogation is not made out.

4) Applicants in Criminal Anticipatory Bail Application No. 143 of 2015 have volunteered to compensate the injured as well as widows of the deceased by paying Rs. 7,00,000/- each to the injured and Rs. 12,00,000/- each to the widows of the deceased. The injured namely Sandip Chandrakant Ghadge has opened an account in Bank of India Bhud, Taluka Khatav. Account no. is 130210110003954. Applicants in Criminal Anticipatory Bail Application No. 143 of 2015 shall deposit cheque of Rs. 7,00,000/- in the said account. Widow of deceased Shashikant Kulkarni i.e. Smt. Ranjana Shashikant Kulkarni has account in Bank of India Budh, Tal. Man, account no. is SB 8019. Applicants

in Criminal Anticipatory Bail Application No. 143 of 2015 shall deposit Rs. 12,00,000/- in the said account. Injured Shivaji Satav as account in Bank of Baroda, Malvadi Branch, Taluka Man Dist. Satara, account no. is 17930100008122. Applicants in Criminal Anticipatory Bail Application No. 143 of 2015 shall deposit Rs. 7,00,000/- in the said account. Similarly Bapusaheb Jagannath Ghadge has also opened an account in Bank of India, Budh his account no. is 130210110003374. Applicants in Criminal Anticipatory Bail Application No. 143 of 2015 shall deposit Rs. 7,00,000/- in the said account.

5) It is further made clear that widows of other two deceased i.e. widow of Dadasaheb Jagdale & Sandeep mane shall open an account in nationalized bank. Applicants in Criminal Anticipatory Bail Application No. 143 of 2015 shall deposit the cheques with learned Judicial Magistrate First Class, Dahiwadi. Learned Magistrate shall ensure that cheque is issued in favour of widows of deceased Dadaso Jagdale & Sandeep Uttam Yadav and learned Magistrate shall further ensure that cheques are deposited in their respective accounts which are opened in a nationalized bank. It is made clear that

compensation is given by the applicants without prejudice to any of the parties. Legal heirs of the deceased and the injured are at liberty to claim compensation under the Workman's Compensation Act as well as any other provision of Law besides compensation given by the present applicants.

6) In view of this, interim relief granted in favour of the applicants vide order dated 10/02/2015 is hereby confirmed. It is made clear that observations made herein above are prima facie in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Applications are allowed.
- (ii) In the event of arrest, applicants be enlarged on bail on furnishing P. R. bond in the sum of Rs. 15,000/- each and one or two sureties in the like amount.
- (iii) Applicants shall co-operate with the investigating agency to the best of their capacity.
- (iv) Intervention applications are heard, allowed and disposed of.
- (v) All applications stand disposed of.

(SMT. SADHANA S. JADHAV, J.)