

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1633 OF 2015**

Sadashiv Gangadhar Nathe

...Applicant

Versus

State of Maharashtra

...Respondent

Mr. H. E. Palwe i/b Mr. Rukmini Khairnar for the Applicant

Ms. Rutuja Ambekar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 28TH OCTOBER, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P for the State.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 1125 of 2015 registered with the Dindori Police Station, Nashik, for the alleged offences punishable under Section 304 of the Indian Penal Code.
3. The incident in question has taken place on 16th June, 2015 in the land belonging to the present applicant. The complainant is the

husband of the deceased. It is alleged by the complainant that there was work of levelling going on in the farm of the present applicant and that the said levelling work was being done by the co-accused No. 2. He has alleged that for the leveling work, blasting was done and in the blast, one stone flew and hit his wife, as a result of which, she sustained a grievous injury and succumbed to the same on 19th June, 2015. He has stated that there was no sign or board put up indicating that there was blasting work going on and that no precaution was taken for the same, as a result of which, the stone flew and hit his wife.

4. Learned Counsel for the applicant submits that although the land belonged to the applicant, he was not present at the spot at the time of the alleged incident. She submitted that considering the nature of allegations, it would be doubtful whether the offence would be one under Section 304 of the IPC. According to her, if at all, the offence would be one under Section 304A of the IPC. Learned A.P.P states that as a result of the blast, a stone flew and hit the wife of the deceased after which she succumbed to the same after three days.

5. Be that as it may, considering the nature of allegations and the manner in which the incident took place, the applicant is granted anticipatory bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall attend the concerned Police Station on 4th and 5th November, 2015 from 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet and thereafter on the first Saturday of every month for a period of 12 months from the date of filing of the charge-sheet;
- (iii) The applicant shall not tamper, attempt to influence or contact the complainant, witnesses or any person concerned with the case.
- (iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the

Court seized of the matter and to the Investigating Officer of the concerned Police Station;

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.