

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.18 OF 2016

Narayanlal Mohanji Gehlot	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Priyal Sarda, Adv. for the applicant.
Mr. D.P. Adsule, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 1st February, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.536 of 2015 registered with Kothrud Police Station, Pune for offences punishable under Section 304(2), 338, 337, 286 r/w.34 of the IPC.

2. The case of the prosecution in brief is that the applicant herein is running a business of manufacturing mattresses at Bhusari Colony, Kothrud, Pune. It is alleged that on 16th December, 2015 at about 5.15 pm welding sparks ignited fire in the shed and as a result, four persons died and two persons were injured.

3. Mr. Sarda, the learned counsel for the applicant has

submitted that the allegations in the FIR do not prima facie disclose offence of Section 304B of the IPC. He has further submitted that the prosecution has also invoked offences under Section 286, 337 and 338 of the IPC, which prima facie indicates that incident had occurred due to rash and negligent act, this rules out the possibility of knowledge or intention to cause death. He contends that even otherwise the welding work was not carried out by the applicant and as such applicant cannot be held responsible for the death of four persons.

4. Mr. Adsule, the learned APP for the State submits that the shed was illegal and that the applicant was manufacturing mattresses in the said shed without having any permission to carry out any business in the shed. He has submitted that the contractor had undertaken welding works in the shed despite knowing that the inflammable material was lying in the shed. He therefore claims that the applicant had knowledge that the said welding work would ignite fire and is therefore liable for offence under Section 304(2) of the IPC.

5. I have perused the records and considered the submissions

advanced by the learned counsels for the respective parties. The records prima facie reveal that the applicant herein was carrying out business of manufacturing mattresses in the shed situated at Bhusari Colony, Kothrud, Pune. The said shed is owned by the co-accused. The material on record indicates that the owner of the shed had engaged a contractor to carry out some welding work in the shed. The records reveal that the welding sparks ignited fire in the shed and as a result four persons died and two persons sustained injuries.

6. The material on record does not prima facie indicate that the applicant herein was involved in carrying out said welding work in the shed. Hence the allegations levelled against the applicant do not prima facie attract provisions under Section 304(2) of the IPC. The nature of the allegations, in my considered view, do not justify custodial interrogation. Hence the applicant herein is entitled for bail.

7. Under the circumstances and in view of the discussion supra the applicant is entitled for bail.

8. Hence the application is allowed on the following terms

and conditions.

1. In the event of arrest of the applicant in Crime No.536 of 2015 registered with Kothrud Police Station, Pune, the applicant shall be released on bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one surety in the like amount to the satisfaction of the Addl. Sessions Judge, Pune.
2. The applicants shall report to investigating officer for 7 days from 10 am to 1 pm. from the date of the receipt of the order and further as and when called by the investigating officer for the purpose of the interrogation.
3. The applicant shall not leave district Pune till filing of the chargesheet without prior permission of the Court.

(ANUJA PRABHUDESSAI, J.)