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

CRIMINAL BAIL APPLICATION NO.405 OF 2017

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|----|----------------------------------|----------------|
| 1. | Shrikant Kisan Pawar | |
| 2. | Santosh Sopan Chavan | |
| 3. | Dnyashwar Laxman Chavan | ...Applicants |
| | Versus | |
| 1. | The State of Maharashtra | |
| 2. | Pramod Ambadas Kshirsagar, (API) | ...Respondents |

WITH

CRIMINAL BAIL APPLICATION NO.17 OF 2017

- | | | |
|----|--------------------------|---------------|
| 1. | Bhavin Harshad Shah | |
| 2. | Mahendra Sadanand Kamat | ...Applicants |
| | Versus | |
| | The State of Maharashtra | ...Respondent |

Mr.Ashok Mundargi, Senior Counsel, a/w Mr.Saket Mone and Mr.Vishesh Kalva i/b Vidhii Partners, for the Applicants in BA No.405 of 2017.

Mr.Nandu Phadke i/b Mr.Tapan Thatte, for the Applicants in BA No.17 of 2017.

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

H.C.Sarvade, B.No.422, Chaturshrungi Police Station, Pune.

CORAM : REVATI MOHITE DERE, J.

DATE : 19th APRIL, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By these applications, the Applicants seek their enlargement on bail in connection with C.R.No.324 of 2016 registered with the Chaturshrungi Police Station, Pune, for the alleged offences punishable under Sections 304, 337, 338 r/w 34 of the Indian Penal Code and under Section 4(1A)(a)(i), 13(1), 14 of the Maharashtra Ownership of Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963 and under Section 52 of the Maharashtra Regional and Town Planning Act, 1966.
3. There are 3 applicants in Criminal Bail Application No.405 of 2017. The applicant no.1 - Shrikant Kisan Pawar is the Assistant Vice President of 'Pride Purple Group'. He is stated to have been appointed on the post of Assistant Vice President on 12th January, 2015. The applicant nos.2 and 3 i.e. Santosh Sopan Chavan and Dnyashwar Laxman Chavan were appointed as Project Managers on 1st April, 2012. As far as applicants in Criminal Bail Application No.17 of 2017 are concerned, applicant no.1 -

Bhavin Harshad Shah is stated to be the Project Manager and applicant no.2
- Mahendra Sadanand Kamat is stated to be the Contractor of the said
Project i.e. Park Express.

4. Learned Senior Counsel for the applicants in Criminal Bail Application No.405 of 2017 and learned counsel for the applicants in Criminal Bail Application No.17 of 2017, submit that taking the prosecution case as it stands, no offence under Section 304 of the Indian Penal Code is disclosed, qua any of the applicants. They submit that investigation is complete and charge-sheet is filed and that the applicants have been in custody since 29th July, 2016.

5. Learned APP opposed the bail applications. She submitted that the Directors of Pride Purple Group had entered into an agreement with the Contractor – Mrigaank Construction and that one of the conditions stipulated in the said joint venture agreement was that it was the sole responsibility of the Contractor to ensure the safety of the persons.

6. Perused the papers. It appears that the Pride Purple Group

had constructed several buildings and that one such building was Park Express – 'N'. It appears that the said building Park Express – 'N' had permission upto 12 floors, pursuant to which, 12 floors were constructed. It appears that thereafter Pride Purple Group received additional TDR of 0.65 from the Government. Pursuant thereto, permission was sought to construct additional floor in view of the extra FSI. It is not in dispute that the construction of the 13th Floor had commenced, despite the fact, that C.C. was not received by the said Group. On 29th July, 2016, the cantilever on the 13th floor collapsed as a result of which 9 employees expired, pursuant to which, the aforesaid complaint was lodged by API – Pramod Kshirsagar of the Chatushrungi Police Station. All the applicants were arrested on 29th July, 2016. It is informed that 4 partners of Pride Purple Group and one Architect were granted pre-arrest bail by the Apex Court, vide order dated 11th April, 2017. The applicants have been in custody since July, 2016. Investigation is complete and charge-sheet is filed. It is not necessary, at this stage, to go into the question, whether Section 304 of Indian Penal Code will apply to the facts of this case. The said question will be decided by the trial Court, at the appropriate stage.

7. Considering the aforesaid, the applications are allowed and the applicants are enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- each with one or two sureties in the like amount;
- ii) The Applicants shall inform their 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 trial Court as well as to the concerned Police Station, in writing;
- iii) The Applicants shall not tamper or attempt to influence the complainant or any persons concerned with the case;
- iv) The Applicants shall not leave the country, without the permission of the trial Court ;
- v) The Applicants shall co-operate in the conduct of the trial.

8. The Applications are allowed and disposed of in above terms.
9. It is made clear that the observations made herein are *prima facie* and are confined to the aforesaid applications and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)