

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 1165 OF 2017**

Sitabai Dnyanoba Ranawade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prashant M. Patil for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent-State

PSI Ratandip Gaikwad from Sinhgad Road Police Station, Pune is present

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 11th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 82 of 2014 registered with the Sinhgad Police Station, Pune, for the alleged offences punishable under Sections 304, 308, 427, 34, 420, 467, 468, 471, 120(B) of the Indian Penal Code and under Section 52 of the MRTP Act.

3. Learned Counsel for the applicant states that the applicant is about 70 years of age. He submits that the applicant was the co-owner of a land bearing Survey No. 413 and 414 situated at Village Mire, Pune, along with one Ranjit Desai. He submitted that the applicant and Ranjit Desai entered into a Development Agreement with one V. K. Associates, who constructed two buildings; one 3-storey and one 5-storey. It appears that the incident took place on 31st October, 2014 at about 3:30 a.m. when one of the buildings collapsed and one person died in the said incident. It appears that as the quality of the construction was not good, the incident took place.

4. Learned A.P.P, on instructions, states that the custody of the applicant is not required.

5. Perused the papers. It appears that the applicant was the co-owner of a land, situated at Village Mire, Pune, along with one Ranjit Desai. It appears that the applicant and Ranjit Desai entered into a Development Agreement with one V. K. Associates, who constructed two buildings i.e. 3-storey and 5-storey. It appears that an incident took place on 31st October, 2014, in which, one of the buildings collapsed and one

person died in the said incident. It is alleged by the prosecution that as the quality of the construction was not good and was sub-standard, the building collapsed and the incident took place.

6. *Prima facie*, it is doubtful whether the applicant would be responsible for the acts of the developer, inasmuch as, the applicant was only a co-owner of the said land, on which, the building was constructed and the development rights were given to one V. K. Associates.

7. Be that as it may, in the peculiar facts of this case, custodial interrogation of the applicant is not required. Accordingly, the application is allowed and the applicant is granted pre-arrest bail, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

8. The application is disposed of in the aforesaid terms.

9. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.