

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1622 OF 2017**

Yuvraj Ramesh Korpade

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 1620 OF 2017

Mahesh Dnyanoba Dedge

.. Applicant

VS.

The State of Maharashtra

..Respondent

Mr. A.P.Mundargi, Senior Counsel a/w Mr. Ayaz Khan i/b. Mr. Gorakh H. Liman, for the applicants.

Mr.Ajay Patil,APP, for the State.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 14th December, 2017.

P.C. :

1. Heard. These the applications under section 438 of Cr.P.C. The applicants are apprehending arrest in Crime No.250 of 2017 registered at Haveli Police Station, Pune, for the offences punishable under Section 304 Part II read with section 34 of the Indian Penal Code.
2. The applicants happen to be the partners of Maitree Builders. The applicants had undertaken the work of development in Gram Panchayat

Nanded. That they had engaged a work contractor who had further appointed several labourers to work with him. On 2.8.2017, an employee i.e. Anil Mekar lost the work balance while detaching the wooden plates (planks) from the column of centering work. He was taken to Navale Hospital and declared dead. The applicants are being prosecuted under Section 304 Part II of the IPC.

3. The learned Senior Counsel has placed on record the certified copy of the first information report which shows that initially, the accused were being prosecuted under Section 304A of IPC. However, the said Section was scored off and was mentioned as 304 Part II at the time when the copy was being sent to the Court of Magistrate. In any case, the applicants cannot be held criminally liable for the accident.

4. The learned APP submits that the construction was being undertaken without legal permission and, therefore, the applicants do not deserve to be granted pre-arrest bail. The work contractor was granted bail by the Court of Magistrate. It was brought to the notice of this Court on 13.10.2017 that the centering contractor under whom the deceased was working, was enlarged on bail by the Judicial Magistrate, First Class, Pune, on 9.10.2017. The learned APP was directed to take instructions in respect

of the same. It is clear that the centering contractor has been enlarged on bail since the offence under Section 304A is a bailable offence. In these circumstances, the applicants deserve to be granted protection.

5. In view of this, the interim protection granted vide order dated 13.10.2017 deserve to be confirmed and the same is confirmed on the same terms and conditions.

Both the Applications stand disposed of.

(SMT. SADHANA S.JADHAV, J.)