

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

CRIMINAL BAIL APPLICATION NO.2371 OF 2018

Amol Dadarao @ Bapurao Kurund	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Pradeep J. Thorat, Advocate for the Applicant.
Mr.Arfa Sait, APP for the Respondent – State.
Mr.D.R. Sonone, PSI Rabale Police Station, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 16, 2018.

P.C. :

This is an application for bail in connection with C.R. No.I-49 of 2018, registered with Rabodi Police Station, District-Thane 436, 457, 380 and 427 of Indian Penal Code (“IPC”, for short). First Information Report (“FIR”, for short) was lodged on 24th March, 2018. Applicant was arrested on 25th March, 2018.

2 Prosecution case is that the complainant is builder by profession and carrying his business from office situated on 5th and 6th floor of K. Villa, Thane. Applicant was working as the driver of the complainant. On 12th March, 2018, the office boy of the complainant managed to close the office at about 7:30 p.m.

Since the complainant had fixed a meeting, he went to the office on 6th floor at about 9:45 p.m. At that time, the applicant was instructed to go home. The complainant left the office after his meeting was over at about 10:45 p.m. On 13th March, 2018, at about 9:30 a.m., the complainant received a call from his manager informing that he could see smoke emanating from 5th floor and there is likelihood of fire in the office premises. The complainant informed him to intimate about the same to fire brigade. The complainant immediately reached the place of incident. The fire brigade officer had already approached the said place. They evacuated the patients and the staff from 2nd floor hospital and extinguished the fire. It was noticed that the ceiling, furniture, Air Conditioner, computers and files from the cabin of the complainant were destroyed. The electrical wires were hanging in burnt condition. No one had injured. There a was a damage of about Rs.12 lakhs due to fire in the office. The complainant intimated that the cause of fire is on account of short circuit. The premises was sealed by the officers of fire brigade. DVR of CCTV Footage was collected. It was also noticed that cash amount of Rs.8,000/-, was missing from the drawer of counter table situated in the account department. The articles were shifted to another office at Vartaknagar. On 23rd March, 2018,

DVR was verified from the staff of complainant and it was noted that on 12th March, 2018 at about 11:00 p.m., the applicant had entered into the building. Thereafter, cameras were switched off and found working at about 1:04 a.m. It was also noticed that the account department had caught fire. Applicant was seen passing from the said place. It was further noticed that after about 17 to 18 months, the applicant was seen proceeding towards 5th floor and opened the shutter of the office and entered in account department and when he came out of the premises, it was noticed that there was fire, hence, it was felt that the accused has used some articles to set the office on fire. On 24th March, 2018, when the applicant had joined the office for work, inquiries were made with him. He stated that about two months prior to the incident, he had prepared duplicate key of the office he was knowing that cash is being kept in the drawer of the table. Hence, on 12th March, 2018, he waited in the premises of the office, he collected petrol from the tank of his motor cycle, took matchsticks, searched for DVR and used duplicate key for collecting amount of Rs.8,000/-, and set the papers which are lying on the table on fire. He kept the petrol bottle on the receptionist table and left the place after locking the office. After 1:00 p.m., he noticed that the fire is extinguished. He poured petrol and set the said

premises on fire. He left the office by putting lock on the shutter. It is, therefore, alleged that with a view to commit robbery of Rs.8,000/-, the applicant accused has committed the offence, as stated hereinabove. The investigation is completed. Charge - sheet is filed.

3 Learned counsel for the applicant submitted that the applicant has been falsely implicated in this case. There is delay in lodging FIR. The CCTV Footage was allegedly received on 16th March, 2018. Whereas, FIR was lodged on 24th March, 2018. Quantum of loss is is exaggerated. The applicant is working with complainant since last five years. There is no recovery of duplicate key from the applicant. The amount allegedly stolen has not been recovered from the applicant. The report of fire brigade about the cause of incident was obtained after a period of two months. The investigation is completed and charge - sheet has been filed. Further custody of the applicant is not necessary.

4 Learned APP, submitted that there is direct evidence about the involvement of the applicant in the crime. It is submitted that CCTV Footage clearly shows the presence of the applicant at the place of incident. The applicant is involved in

serious crime of setting the office premises on fire by endangering safety of occupants in the building. The evidence clearly establishes that the applicant had entered into the office premises. He poured petrol and set the office on fire with the view to commit theft of Rs.8,000/-. The report submitted by the fire brigade office establishes that the cause of incident is setting office premises on fire. Short circuit was not the cause of fire. There is sufficient evidence showing involvement of the applicant. It is prayed that the application be rejected.

5 The prosecution is relying upon the CCTV Footage. The incident had occurred on 12th March, 2018. Initially inference was drawn that the cause of incident is short circuit. Report of the fire brigade was received after two months. There is no recovery of any amount from the applicant. He is employed with the complainant since about five years. Duplicate key was not found with the applicant. There are no criminal antecedents against the applicant. Report of fire brigade was received after two months. He is in custody from 25th March, 2018. Investigation is completed and charge - sheet is filed. Further detention of applicant is not necessary. In the aforesaid circumstances, case for grant of bail is made out.

6 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.2371 of 2018, is allowed;
- (ii) Applicant is directed to be released on bail in connection with C.R. No.I-49 of 2018, registered with Rabodi Police Station, District-Thane, on his furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant is directed to attend the Rabodi Police Station, District-Thane, once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon, till further orders;
- (iv) Applicant shall not tamper with the evidence ;
- (v) Applicant shall not enter into the place of incident, till the conclusion of the trial;

(vi) Bail Application No.2371 of 2018, stands disposed of.

(PRAKASH D. NAIK, J.)