

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application [ABA] No.187 of 2018

Harichand Kisanchand Dembla

vs.

State of Maharashtra, through P.S.O. Rajapeth, District Amravati

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri N.S. Warulkar, Advocate for the Applicant.
 Shri H.D. Dubey, A.P.P. for the Non-Applciant/State.*

CORAM : S.B. SHUKRE, J.
DATE : 19th APRIL, 2018.

Heard. Perused the reply of the prosecution and the case diary. The allegations are that this applicant and the other co-accused, who is also the Director of the company, did not take adequate care and caution to avoid fatal accidents from occurring in the factory. It is not clear from the reply as to what were the negligent acts and failings of this applicant, which could be considered as having a criminal colour. In fact, the Investigating Officer does not seem to have collected any material to substantiate the allegation that there was a criminal negligence on the part of this applicant and the co-accused in running the factory and particularly keeping open the tank in which the electrician and the helper met an accidental death.

The custodial interrogation of this applicant has been sought on the ground that the documents are required to be seized from him. The other Director was arrested by the police and he has been granted regular bail. It is not explained as to, whether or not the other Director failed to cooperate with the police in handing over the necessary documents and records of the

company. I am sure, if he had not co-operated with the police, he would not have been granted regular bail by the trial Court. However, the reply filed by the investigating agency is silent on this aspect of this case.

The learned Counsel for the applicant submits that the applicant is ready to furnish the entire record and the documents to the Investigating Officer, if the same are demanded from him.

In view of the above, I find that this application can be allowed.

The application is allowed and the interim anticipatory bail granted to the applicant by this Court on 20th March, 2018 is hereby confirmed on the same conditions with addition of the following conditions:

- i. The applicant shall attend the concerned police station for a further period of one week between 11:00 a.m. and 01:00 p.m. starting from 21st April, 2018 and also on such other occasions as may be required by the police, shall cooperate with the Investigating Officer in the investigation of the case.
- ii. The applicant shall handover the documents and record of the factory to the Investigating Officer, if required for seizure purpose by him.
- iii. The applicant shall not tamper with the prosecution witnesses in any manner.

The application is disposed of in the above terms.

JUDGE