

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2038 OF 2019

Dhanaji Baburao Jadhav	]	... Applicant
Versus		
The State of Maharashtra	]	... Respondent

Mr. Vijay Killedar, Advocate for the Applicant.
Mr. S.H. Yadav, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 26th AUGUST, 2019.

P. C. :-

1. The applicant is seeking his release on bail in connection with C.R.No.41/2019 registered with Ichalkaranji Police Station, Kolhapur u/sec. 304-A r/w 34 of I.P.C. Subsequently Section 304 (II) of I.P.C. is added.

2. The FIR is registered on 07/02/2019 at the instance of one Suresh Kulkutgi. He has stated in his FIR that, he, his cousin and others were doing masonry work. His cousin Ajit was employed with the applicant. The applicant was a contractor. He was undertaking building projects. It is mentioned that, at Ichalkaranji construction of a building belonging to M/s. Fortune Avenue was in progress. The

informant, Ajit and others were working at the site. The building was constructed upto 4th floor. On 02/01/2019 at around 1.30 p.m., while working, Ajit fell down from the 4th floor and succumbed to his injuries. The informant lodged FIR on this basis.

3. Heard Mr. Vijay Killedar, Ld. Counsel for the Applicant and Mr.S.H. Yadav, Ld. APP for the State/Respondent.

4. Mr. Killedar submitted that, the present applicant is not a criminal. He does not have criminal antecedents. The allegations do not travel beyond the fact that, the safety measures were not taken by him. The applicant is in custody since 28/06/2019 and no further purpose will be served by keeping him in custody.

5. On the other hand, Mr. Yadav, Ld. APP submitted that, the offence is serious and the applicant should have provided safety equipments and should have taken care of all his workers. One life is lost. Therefore, he opposed grant of bail.

6. I have considered these submissions. It is alleged that, the applicant should have provided his workers with all the safety

measures and should have further taken care to avoid such mishap. The applicant does not have any criminal antecedents and he is in custody since 28/06/2019. The investigation is still in progress. However, the facts in the FIR have sufficiently established that, the deceased had died because there were no safety measures. Whether it was the duty of the applicant as a contractor or of the owner of the group for which the construction was going on is the question which will be decided during trial. At this stage, no further purpose will be served by keeping the applicant in custody. Therefore, I am inclined to grant bail to the present applicant. Hence, the following order.

ORDER

1. The Applicant is directed to be released on bail in connection with C.R.No.41/2019 registered with Ichalkaranji Police Station, Kolhapur, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)