

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

CRIMINAL BAIL APPLICATION NO. 479 OF 2019

Devvrat Satish Joshi	...	Applicant
V/s.		
The State of Maharashtra	...	Respondent

- Mr.Ashok P. Mundargi, Senior Advocate a/w. Mr.Ashok Mishra and Mr.Prem Tanna i/b. M/s.Solicis Lex for the Applicant.
- Mr.S.R. Agarkar, APP for the Respondent-State.
- Mr.Najeeb Inamdar, PSI, Boisar Police Station.

CORAM : PRAKASH D. NAIK, J.

DATE : 26th FEBRUARY, 2019.

P.C. :

1] The Applicant is seeking bail in connection with C.R. No. I-15 of 2019 registered with Boisar Police Station for the offence punishable under Section 304 Part-II read with 34 of the Indian Penal Code.

2] The Applicant was arrested on 30th January, 2019 in connection with the First Information Report which was lodged on 12th January, 2019. The case of the Prosecution is that complaint was registered under Section 174 of the Code of Criminal Procedure. It is

alleged that one Mr.Akhilesh Somai Sharma had informed the Complainant that the deceased was working as Helper at Boisar MIDC Auro Laboaratories Limited and was on night duty on 27th April 2017 from 8.00 pm till 8.30 am on 28th April 2017. The Complainant was informed that the deceased complained of breathing and thereafter, he was taken to the doctor for treatment, where he was declared dead.

3] The inquiry was conducted in accordance with Section 174 of the Cr.P.C.. Apparently, the statement of the witnesses were recorded from April 2017 onwards. However, First Information Report was lodged on 12th January, 2019. The Applicant was working as H.R. Manager. The inquiry relating to the ADR commenced since 2017. The C.A. Report was received. The officers of Forensic Science Laboratory had visited the company and it was revealed that the deceased had died due to inhaling Ethile alcohol and Mithal alcohol. The inquiry proceeded and after the period of about one year, the First Investigation Report was registered.

4] The Applicant is presently in judicial custody. The Applicant was H.R. Manager at the relevant time. There is nothing to indicate as to how the Applicant was responsible for death of the deceased.

5] As stated above, although the incident had occurred on 27th April, 2017, the First Investigation Report was lodged on 12th January, 2019. Considering the factual matrix of the case, further detention of the Applicant is not necessary.

6] Learned APP submits that the investigation is in progress. There was negligence on the part of the concerned officers of the factory. However, as stated above, the Applicant was working as H.R. Manager and it is not clear as to how the charge under Section 304 Part II of the IPC can be attributed to the Applicant.

7] In this circumstances, I pass following order.

:: O R D E R ::

- (i) Bail Application No. 479 of 2019 is allowed.
- (ii) The Applicant is directed to be released on bail in C.R. No. I-15 of 2019 registered with Boisar Police Station on his furnishing the P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount.
- (iii) The Applicant shall report to the concerned Police Station once in a month on first

Saturday of the month between 11.00 am to
01.00 pm till filing of the Charge-sheet.

- (iv) The Applicant is permitted to furnish cash security of Rs.25,000/- for the period of six weeks.

[PRAKASH D. NAIK, J.]