

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

ANTICIPATORY BAIL APPLICATION NO.2128 OF 2019

Bhawarlal Hajarimal Prajapati

... Applicant.

V/s.

The State of Maharashtra

... Respondent.

Mr. Avinash B. Avhad, Advocate, with Mahesh Rawool for the Applicant.

Smt. A.A.Takalkar, APP for the State.

(Shri Swapnil Suresh Lokhande, API, Loni Kalbhor Police Station, Pune is present)

CORAM : SARANG V. KOTWAL, J.

DATE : OCTOBER 01, 2019.

PC :

1 The applicant is seeking anticipatory bail in connection with the CR No. 344 of 2019, registered with Lone Kalbhor Police Station, Pune, under sections 304-II, r/w. 34 of the Indian Penal Code.

2 The FIR was lodged on 9th May, 2019 by one police constable - Hemant S. Kamthe. He has stated that on 9th May, 2019 at about 4.30 a.m., he received information that "Rajyog Saree Depot" near Pune Saswad Road, had caught fire and some workers were trapped inside the shop. The informant and others went to Rajyog Saree Shop. There co-owner Suresh Rajaram Jakad had

opened the shutter of the shop. The fire had spread wide. Five workers were trapped inside. The informant and others brought JCB machine and broke the walls of the shop. The firebrigade officer could control the fire by spreading water. Unfortunately five workers lost their life in the incident.

3 Initially, ADR No. 52 of 2019 was registered. During inquiry, the police officers came to know that co-owners of the shop namely Sushil Bajaj and Suresh Jakad used to lock the godown / shop from outside and the workers used to remain inside. On the date of the incident when fire broke, there was no way for those workers to come out of the shop and all of them died inside. The first informant, therefore, lodged FIR against the co-owner Suresh Jakad and Sushil Bajaj.

4 It is the case of first informant that the present applicant - Bhawarlal Prajapati was owner of that godown and therefore, offence is registered against him.

5 Heard learned counsel Shri Avhad for the Applicant. He submitted that the present applicant had given this business of the Saree shop to Suresh Jakad and he himself was residing in Gujarat. Therefore, he had

no connection with the business or the incident which had taken place, causing death of five persons.

6 Learned APP relied on the investigation papers.

7 I have considered the submissions and perused the investigation papers produced before me. The investigation shows that there was a rent agreement between Nikhil Baban Bhadale and the present applicant, which shows that Rajyog Saree Depot was taken by the applicant on rent on 01.04.2017. Learned counsel for the applicant could not produce before this court any document, showing that this business was further given to one Suresh Jakad. Learned APP referred to the statement of co-accused Suresh Jakad, who has stated that the present applicant was also one of the co-owners. Apart from this, there is statement of Vishnuprasad Sharma, which is recorded on 14th May, 2019. He has stated that he was resident of Ajamer. One Suraj Sharma was working with Rajyog Saree Depot, which is owned by the applicant and others. He stated that between 7th March, 2019 to 09th March, 2019 Suraj Sharma had been to Ajamer. Suraj informed this witness that business of Rajyog Saree Depot was running in losses and the owners including the applicant were planning to set the shop on fire to claim the insurance. Suraj also informed

this witness telephonically that the owner of the said shop had a plan to set the shop on fire and that they were not paying wages regularly. This witness had advised Suraj to leave that shop and to come back to Ajamer. This witness has further stated that on 9th May, 2019 he was informed by the brother of Suraj on telephone that Rajyog Saree Depot had caught fire and Suraj and four other workers had died in the shop. The evidence of this witness is very serious which may attract even section 302 against the accused. In this view of the matter, custodial interrogation of the applicant is necessary. No case for anticipatory bail is made out.

8 The Application is, therefore, rejected.

(SARANG V. KOTWAL, J.)

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