

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

CRIMINAL BAIL APPLICATION NO. 1960 OF 2019

Anand Uttam Yenpure

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyavrat Joshi a/w Mr. Nitesh Mohite, Advocate for the Applicant.

Mr. S. H. Yadav, APP for the State-Respondent.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th January, 2020

PC :

1. The applicant is seeking bail in C.R. No. 91 of 2019 registered with Kothrud Police Station, Dist. Pune for offences punishable under Section 304 (II), r/w Section 34 of IPC. The FIR was lodged on 18th March, 2019.

2. Learned counsel for the applicant submitted that the applicant is in custody from 20th March, 2019. The offence is registered under Section 304(II). There are no criminal antecedents against the applicant. The applicant cannot be attributed with knowledge that the unforeseen incident would occur. The work was being supervised by the supervisor. The co-accused Suryakant Bapate who was the supervisor, has been granted bail.

3. Learned APP submitted that it was the responsibility of the applicant to take precautionary measure to prevent any unforeseen incident. The victim, a minor child, died due to drowning in the water tank. It is submitted that the children from the area were playing at the construction site and therefore it was necessary to take requisite steps to prevent such incident. The applicant was carrying out construction activity.

4. The case of the prosecution is that the construction was in progress at the site. It also appears that supervisor was appointed. The water tank was filled with water which was used for construction activity. The prosecution case is that victim child fell into the water. The neighbours rescued the child and taken to the hospital. The child was declared dead. The applicant and the supervisor were arrested. The supervisor has been granted bail by the Sessions Court. The investigation is completed, charge-sheet is filed. The applicability of Section 304 (II) would be considered at the time of trial. The investigation is completed. The applicant is in custody from 20th March, 2019. Other accused is granted bail. On certain terms and conditions bail can be granted to the applicant

5. Hence, I pass the following order.

ORDER

- i) Bail Application No. 1960 of 2019 of is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 91 of 2019 registered with Kothrud Police Station, Dist. Pune on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 am. to 12.00 pm. till further order.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)