

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2544 OF 2019

Mr. Ishtiyak Ahmed Mukhtar
Shaikh

....Applicant

v/s.

The State of Maharashtra

....Respondent

Mr. Ali Bubere a/w. Mr. Rajendra Rathod, Advocate
for the applicant.

Mr. Y.M. Nakhawa, APP for the State.

PSI, Tanaji Wagh, Bhoiwada Police Station
present.***CORAM : SANDEEP K. SHINDE, J.******Monday, 20th January, 2020.*****P.C. :**

1. Applicant was entrusted with a civil contract by Bhiwandi Municipal Corporation. For, the want of safety measures, one labourer died at the construction site due to electrocution. Applicant had sublet the contract to one, Mr. Chavan on certain terms and conditions. On 21st

November, 2019 this Court had refused interim relief to the applicant on the ground that he had no right to sublet the contract to Mr. Chavan, who is the co-accused. Counsel for the applicant has placed on record a communication dated 31st October, 2019 addressed by the City Engineer, Bhiwandi Municipal Corporation, inter-alia, stating that the applicant was authorised to sublet the contract.

2. Counsel for the applicant submits that investigation is over and the sub-contractor (co-accused) is in jail. The offence registered against the applicant is one under Section 304A and 304(II) of the IPC. The evidence shows, the applicant had appointed Mr. Chavan as a Sub-Contractor, which was permitted as evident from communication dated 31st October, 2019. Copy of the said communication is taken on record and marked A-1 for identification. That, even otherwise, the investigation is over and the trial is not likely to commence and conclude in the near future. The applicant is a permanent resident of

Bhiwandi and his presence for the trial can be secured by imposing conditions. Hence, the following order :

ORDER

(i) The Anticipatory Bail Application is allowed.

(ii) In the event of arrest of the applicant, he shall be released on bail in C.R. No. I-0252 of 2019 registered with Bhoiwada Police Station on furnishing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one or two sureties in the like sum.

(iii) The applicant shall attend the concerned Police Station as and when called.

(iv) The applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the Police Station concerned within seven days from today;

(v) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

3. It is made clear that observations made hereinabove shall be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

(SANDEEP K. SHINDE, J.)