

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

BAIL APPLICATION NO.986 OF 2021

Vadilal Hoti Gada	.. Applicant
<i>Versus</i>	
State of Maharashtra	.. Respondent

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Mr.Subhash Jha, Mr.Hari Krishna Mishra, Mr.Siddharth Jha,
Mr.Mohnish and Leena Shah i/b. M/s.Law Global, Advocate for
the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : MARCH 25, 2021.

P.C. :

The applicant is arrested in connection with C.R.No.40 of 2021, registered with Versova Police Station, Mumbai, for the offences punishable under Sections 308, 338 and 285 of Indian Penal Code ("IPC", for short) read with Sections 3 and 7 of Essential Commodities Act, 1955.

2 The prosecution case is that the applicant is the proprietor of concern named M/s.Vidhi Enterprises. He is a dealer of CNG cylinders. On 10th February, 2021, there was an explosion in the godown where the cylinders were stored. Four employees of the applicant were injured. FIR was registered.

Applicant was arrested. He was produced before the concerned Court for remand application on 11th February, 2021. He was remanded to police custody till 15th February, 2021.

3 Learned advocate for the applicant submits that it is an accidental case. Section 308 is not attracted. The injured are the employees of the applicant. Treatment is given to them at the instance of the applicant. The applicant is in custody from 10th February, 2021. Presently, he is in judicial custody. Further detention of the applicant is not necessary. One of the injured has been discharged from hospital. The other injured person will be discharged within 2 to 3 days. The third injured would be discharged within a week and the fourth injured is required to take treatment for another 3 to 4 weeks. It is submitted on instructions that the injured are out of danger. Medical case papers of two injured were produced.

4 Learned APP submitted that the police report dated 25th March, 2021, indicates that the injured persons were taking treatment at Masina Hospital, Byculla, Mumbai. Injured Munir Khan has been discharged on 22nd March, 2021, and, the health condition of the other injured who are taking treatment, is stable.

5 The alleged incident had occurred on 10th February,

2021. The CNG cylinders were stored at the premises. The applicant has all the requisite licences as a dealer of CNG cylinders. He has Shops and Establishment Licence. Learned APP submitted that the storage of cylinders in the premises has resulted in damage and injuries. The injured persons were the employees of the applicant. Learned counsel for the applicant pointed out the discharge summary report of Masina Hospital Trust, Byculla, Mumbai, issued to one of the injured Munir Khan and submitted that in the discharge summary it is mentioned that, "accidental flame burn injury due to patient cooking in the godown of company and he was sitting there resulted in cylinder leak and then blast".

6 Medical papers and report of police is taken on record.

7 Applicant is in custody from 10th February, 2021. Considering the aforesaid circumstances, bail can be granted to the applicant.

8 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application No.986 of 2021, is allowed;

- (ii) Applicant is directed to be released on bail in connection with C.R.No.40 of 2021, registered with Versova Police Station, Mumbai, on executing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- (iii) Applicant shall report the concerned police station once in three months on first Saturday of the month between 11:00 a.m. to 01:00 p.m.;
- (iv) Applicant is permitted to furnish provisional cash bail in the sum of Rs.25,000/-, for a period of eight weeks, in lieu of suety;
- (v) Bail Application No.986 of 2021, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)