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

ANTICIPATORY BAIL APPLICATION NO.207 OF 2020

Mr. Pratap Purshottam Gori

.. Applicant

VS.

The State of Maharashtra

.. Respondent

Mr. R. V. Sipahimalani, for Applicant.

Ms. Veera Shinde, APP for State.

Mr. Dinkar Raut, P.I. Sakinaka Police Station.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 15, 2022

P.C. :

1. Heard learned Counsel for the applicant. This is an application for pre-arrest bail in respect of C.R. No. 1164 of 2019 registered with Sakinaka Police Station.

2. The allegation in the FIR dated 28/12/2019 which is registered under sections 304(2), 285, 286 read with 34 of the Indian Penal Code is that a fire broke out in the paint factory of Mr. Mathuradas which eventually gutted the entire vicinity. Resultantly, the applicant's establishment/factory M/s. Deep Enterprises was also burnt down. The place where the fire first broke out is owned by Mr. Mathuradas, the co-accused. The prosecution claims that the applicant

is a partner of Mr. Mathuradas. Mathuradas was running the establishment under the name and style of M/s. Apple Paint whereas the applicant is conducting his business in the name of M/s. Deep Enterprises.

3. Learned APP for the prosecution on instructions of the Investigating Officer who is present in the Court relied upon a letter dated 05/02/2020 addressed by the Chairman and Secretary of Ashapura Estate where the galas were situated. In the said letter, it is stated that godown No. B-73 is owned by Smt. Ajabai Shamji Bhanushali who has rented it to the applicant who was storing chemicals, GP thinner and repacking the same with Mr. Mathuradas of Hasti Enterprises. It is stated that Mr. Mathuradas is a tenant of open plot owned by Mr. Bharat Bhanushali. It is further stated that the open plot from where the fire started is owned by Mr. Bharat Bhanushali who had rented the same to Mr. Mathuradas of Hasti Enterprises who also carried the business of making colour, storing chemicals, repacking of chemicals and GP thinner, etc. with the applicant - Mr. Pratap Gori of M/s. Deep Enterprises with the help of common labourers, namely, Udaylal Gayri and Khemsingh Rajput.

4. Apart from this letter, there is no other material available with the prosecution to indicate that the applicant was carrying on business in partnership with Mr. Mathuradas. Learned Counsel for the applicant submitted that gala No. B-73 rented by him is at a distance of almost

100 meters from the plot of Mathuradas where fire broke out. According to him, he has no concern with the business of Mr. Mathuradas.

5. Mr. Mathuradas has since been arrested and released on bail. Learned APP while submitting that the applicant is a partner of Mr. Mathuradas was not in a position to point out any other material except the communication dated 05/02/2020 which has been referred to hereinbefore. The applicant is ready to co-operate with the investigation. This Court has granted interim protection to the applicant by an order dated 24/01/2020. In my opinion, the custodial interrogation of the applicant is not required. Mr. Mathuradas, a tenant of the open plot from where fire started, has since been arrested and released on bail. Hence, the following order.

ORDER

- i) In the event of arrest of the applicant in C.R. No. 1164 of 2019 registered with Sakinaka Police Station, he be released on bail on furnishing P.R.Bond of Rs. 25,000/- with one or two sureties in the like amount;
- ii) The applicant shall present himself before the Investigating Officer on 17, 18 & 19 February, 2022 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called;
- (iii) 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;

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

6. Application is disposed of.

(M. S. KARNIK, J.)