

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

ANTICIPATORY BAIL APPLICATION NO.936 OF 2022

Miten Narendrabhai Shah

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Ashok Mundargi, senior Advocate i/b. Mr. Sunny Aaron Waskar for the Applicant.

Mr. M.G. Patil, APP for Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th APRIL, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No. 373 of 2022 registered with Kandivali Police Station, Mumbai, for offences punishable under Sections 304(2), 337 r/w. 34 of the IPC.

2. Heard Mr. Ashok Mundargi, learned counsel for the Applicant and Mr. M.G. Patil, learned APP for Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. Case of the prosecution is that the Applicant is a partner of a construction firm namely Mansi Construction, which is engaged in construction and development activities. The Applicant was awarded contract by BMC for construction of road in KD Compound, Kandivali (W). On 26/03/2022, while the gutter/drainage was being closed, a hut in the said slum collapsed as a result of which a 04 year old child died and others sustained injuries.

4. This Court while granting interim bail has observed that the Applicant was not present at the place of incident and that prima facie there is no material to indicate that the Applicant was responsible for the said incident. It was also observed that the question whether the structure had collapsed because of the weak foundation or because of the negligence of the Applicant, is a matter which will have to be decided on the merits of the matter.

5. Under the circumstance this is not a case, which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No. 373 of 2022 registered with Kandivali Police Station, Mumbai,

he is ordered to be released on bail on executing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount.

(ii) The Applicant shall co-operate with the investigation and shall appear before the concerned investigating officer on 02/05/2022 and 03/05/2022 between 11.00 a.m. to 2.00 p.m.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)