

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

ANTICIPATORY BAIL APPLICATION NO. 1078 OF 2022

Hiren Kirtikumar Rangani

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Prashant Aher for the Applicant.

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

PSI B.E.Satam from Goregaon Police Stn.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 21st APRIL, 2022.

P.C.

1. This is an application under Section 438 Cr.P.C. seeking pre-arrest bail in C.R.No. 32 of 2022, registered with Goregaon Police Station for offences under Section 304 r/w. 34 of Indian Penal Code.

2. Heard Mr. Aher, learned Counsel for the Applicant and Mr. Yadav, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Savitri Gaund, widow of the deceased Amitkumar Gaund, who expired due to fall from a crane, at the construction site at Goregaon. The Complainant has alleged that the Applicant, who is the Sub-Contractor had not provided safety belt, helmet, safety jacket etc to the deceased, and that the Applicant and others were responsible for death of Amitkumar Gaund for want of safety measures.

4. The photograph of the deceased at page 83 shows that he was provided with jacket. The Applicant was not present at site and at this stage there is no prima facie material to indicate that by his act or omission, the Applicant was responsible for the death of the deceased. Whether the allegations leveled against the Applicant attract ingredients of Section 304(ii) or 304A of IPC is a matter of trial.

5. It is stated that the chargesheet has been filed. Apart from issuing notice under Section 41A, the Investigating Officer has not taken any steps to secure presence of the Applicant and to interrogate him. The Applicant was on interim bail since February 2020. He was not called for interrogation and has not been interrogated, though he was available. Hence, no grounds are made out for custodial interrogation.

6. Considering the above facts and also considering the nature of accusation, in my considered view, this is a fit case for grant of pre-arrest bail. Hence the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No. 32 of 2022, registered with Goregaon Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for two days on 25th and 26th April, 2022 from 11.00 a.m. to 2.00 p.m. for the purpose

of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR

Digitally signed
by PRASANNA
P
SALGAONKAR
Date:
2022.04.22
20:09:04 +0530

(ANUJA PRABHUDESSAI, J.)