

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

ANTICIPATORY BAIL APPLICATION NO.3138 OF 2021

Sambhaji Sadashiv Chavan .. Applicant

Versus

State of Maharashtra .. Respondent

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Mr.Manoj Mohite, Senior Advocate i/b. Mr.U.R. Mankapure,
Advocate for the Applicant.
Mr.Arfa Sait, APP for the Respondent-State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 21, 2022.

P.C. :

This is second application for anticipatory bail in connection with C.R.No.538 of 2020, registered with Tasgaon Police Station, District-Sangli, for the offences punishable under Sections 304, 285, 286, 336, 337 and 338 of Indian Penal Code (IPC", for short).

2 The previous application preferred by the applicant was rejected by this Court vide order dated 27th January, 2021. While rejecting the said application, it was observed that the incident is of serious nature. The effect of blast was such that

body of one of the victim was blown into pieces. Another injured dies during treatment. According to prosecution, blasting was conducted illegally. Gelatin rods were found at place of incident. Investigation is in progress. It was also observed that the order passed by the Sessions Court indicate that no communication was made with Revenue authorities for development and use of explosives and requisite permission for conducting the blast was not obtained. At this stage, it is difficult to say that the application is not responsible for the offence.

3 Learned advocate for the applicant submitted that there is change in circumstances for preferring this application. The applicant is not responsible for blasts. He further submitted that the report in respect to the blast may be called for to determine the cause of the blasts. At the time of drilling, both compressor were on and one of the compressor blasted which caused the other compressors to blast. Land development agreement dated 20th March, 2020, was executed between Manisha Chavan and Mohan Jangam, proprietor of M/s. Shivshakti Construction Company, Sangli. It is submitted that in the light of the said agreement, the applicant who was the owner of the land cannot be prosecuted for such offence. He also relied on the

memorandum of understanding dated 20th April, 2020, executed between Mohan Jangam and Pratik Manmat Swami relating to blasting at sight. Pursuant to report of Tahasildar granted permission to applicant to get levelled the land. The responsibility is of Shivshakti construction and applicant has no role in development of land.

4 Learned APP submitted that there is no change in circumstance. The previous application was rejected by this Court vide order dated 27th January, 2021. The present application has been preferred after one year after rejection of previous application. The Land Development Agreement relied upon by the counsel for the applicant dated 20th March, 2020 and the memorandum of understanding are suspicious and cannot be relied upon. The land development agreement is dated 20th March, 2020, and, it is notarised on 5th May, 2020. The memorandum of understanding was dated 20th April, 2020, and it is executed and notarised on 14th may, 2020. The offence is of serious nature. The effect of blast was that body of one of the victim was gone into pieces. Hence, this application may not be entertained.

5 The case of the prosecution is that information was received by Police about explosion at a place at village Bastvade. Landed property bearing Gat No.377 situated at Bastavade is owned by applicant, Manisha Chavan and Sangramsingh Chavan. They were developing the property. The work of levelling, blasting of land, drilling was assigned to Mohan Jangam. He then allotted the work to sub-contractor Pratik Swami for drilling, blasting and levelling of land. Without licence of explosive, the co-accused was allowed to use explosive material, gelatin. On 6th December 2020 gelatin blasted leading to death of two persons and serious injuries to two others.

6 The previous application was rejected by assigning detailed reasons. It was noted that the incident is of serious nature. The application was rejected on 27th January, 2021. This application has been preferred after the period of about one year. While rejecting the previous application, it was noted that the investigation is in progress. It is apparent that the applicant is not available for investigation for long period of time. I do not find any change of circumstance to entertain this application. Hence, this application stands rejected and disposed of accordingly.

(PRAKASH D. NAIK, J.)