

PMB

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

ANTICIPATORY BAIL APPLICATION NO.3152 OF 2022

SHANKAR RAMALU PAWAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Mr. Sachin B. Chandan for applicant.
Mr. S. H. Yadav, APP for State.
Mr. G. V. Bendre, PSI, Vishnunagar Police Station, Dombivli
(West).

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 21, 2022.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail in respect of C.R. No.300 of 2022 registered on 21/09/2022 with Vishnunagar Police Station, Dombivli under Section 304 of the Indian Penal Code, 1860 (hereafter "the IPC", for short). The complaint is filed by Mr. Manik Ramalu Pawar, an injured witness. The applicant claims to be a petty contractor having building construction business in the name of Shiva Enterprises. The date of the incident is

21/09/2022. It is alleged that the workers engaged by the applicant were working in the open space of Central Railway near Sidharth Nagar, Dombivli (West). While digging plinth near the old compound wall of the railways, the old compound wall collapsed on the labourers working there, resultantly two persons namely Mallesh Chavan and Bandu Kovase died and other three were injured.

3. The applicant is charged for the offence punishable under Section 304 of the IPC. According to the learned APP, the plinth wall was being dug up. The said digging work was going on near the old compound wall. It is the case of learned APP that adequate safety equipments were not provided to the labourers and therefore, there has been negligence on the part of the applicant. He submits that because of the applicant's negligence two persons died and three persons suffered injury.

4. Considering the nature of the allegations and the fact that the digging work was going on at the distance of two feet from the old compound wall, in my view, for the offence punishable under Section 304 of the IPC, the

custodial interrogation of the applicant is not required in the present case. The incident, no doubt is unfortunate. The applicant must however co-operate with the investigation.

5. Hence, the following order :-

ORDER

(i) In the event of arrest of the applicant in connection with C.R. No.300 of 2022 registered with Vishnunagar Police Station, Dombivli for the offence punishable under Section 304 of the IPC, he shall be released on his furnishing a P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant to co-operate with the Investigating Officer.

(iii) The applicant to report to the concerned police station on 28/11/2022, 29/11/2022 and 30/11/2022 between 11.00 a.m. and 01.00 p.m. and thereafter as and when called for.

(iv) The applicant should not tamper with the prosecution evidence.

6. Anticipatory Bail Application stands disposed of.

(M. S. KARNIK, J.)