

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.379 OF 2023

**DILIP @ DILU MOLYA GAVIT AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. A. R. Syed
APP for Respondent: Mr. S. P. Sonpawale

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CORAM : S. G. MEHARE, J.

DATE : 13.03.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for respondent/State.
2. Leave granted to add section in the prayer clause. Amendment be carried out forthwith.
3. The applicant no.1 was the owner of the field in which the blast was made for digging a well. The applicant No.2 was the contractor who arranged the blast in the well. The deceased was working in the field adjacent to place where the blast was done. One of the stones due to blast from the well caused injury to the deceased and he died.

4. Considering the nature of the offence, it is for trial Court to examine whether that act was intentional or accidental. The material investigation has been completed. Nothing is to be recovered from the applicant. In the circumstances, applicant deserves bail. Hence, the following order :-

- (i) The application is allowed.
- (ii) Applicant No.1 Dilip @ Dilu Molya Gavit and applicant No.2 Vinayak Tukdya Gavit be released on bail, on furnishing P. B. and S.B. of Rs. 50,000/- (Rupees Fifty Thousand only) each, with one solvent surety of the like amount each, in Crime No. 26 of 2023 registered with Visarwadi Police Station, Taluka Navapur District Nandurbar, for the offences punishable under Sections 304, 304-A, 338 read with Section 34 of the Indian Penal Code and under Section 3 of Explosive Substance Act on the conditions that :-

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall attend the police station as and when called by the Investigating Officer on written notice, till filing charge sheet.

(S. G. MEHARE)
JUDGE