

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

BAIL APPLICATION NO.1359 OF 2023

Jagannath Raghunath Kuwar,
Age: 64 years, Occu.: Nil,
R/o. Rahenagar, Nizampur, Tal: Sakri,
Dist. Dhule. ..Applicant

Versus

The State of Maharashtra,
Through P. I. Nizampur Police Station,
Tal: Sakri, Dist. Dhule. ..Respondent

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Mr. Rahul A. Tambe, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 24th AUGUST, 2023.

PER COURT:-

1. Leave to correct the prayer clause.
2. Heard learned counsel for the applicant and learned APP for the State.
3. The applicant is seeking bail in Crime No.I-73/2023 registered with Nizampur Police Station, Tq. Sakri, Dist. Dhule for the offence punishable under Section 304, 308, 285, 286 and 34 of the Indian Penal Code and Section 3 of Explosive Substances Act, 1908 and 36 of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006 and Section 14 of the Child Labour Protection Act, 1986.

4. In nutshell allegation in the FIR is that the daughter of the applicant Rohini Jagannath Kuwar alongwith one Suyesh Mane were running factory in the premise owned by the applicant. The applicant was supervising the business at work shop. On or about 18.04.2023, there was explosion in the factory premises causing serious injuries and consequential death of the workers. It is alleged that the business was run without necessary licenses and also in contravention of the provisions regarding Child Labours Act. The applicant had moved an application for grant of regular bail before the Session Court, however, it came to be rejected. Hence, this bail application.

5. Mr. Tambe, learned Advocate appearing for the applicant would submit that the applicant was not the owner of the business. It was run by his daughter Rohini alongwith Suyesh Mane within his premises. The statement of the witnesses referred him as supervisor, however, he had no direct control over the day to day business of the factory. He would submit that the applicant is aged about 64 years. The investigation in the matter is complete. The charge-sheet is filed. Further detention of the application would not serve any purpose. Hence, urge to release applicant on bail.

6. Per contra, learned APP opposes the application. He would submit that the very business was illegally run without necessary license. Previously also similar incidents had taken place in the factory. The workers including minors suffered major injuries. It is a case of gross negligence causing death of the poor workmen. He would submit that the factory land is owned by the applicant and he is referred as supervisor in statements of

workmen, which shows his connection with the business, as such he opposes for grant of bail.

7. Having considered the submissions advanced, apparently various licenses and communications with the Government authorities relied upon by the learned Advocate appearing for the applicant would show that the applicant is not owner of the business. It is owned by his daughter. At the most the applicant can be said to be supervisor. No specification regarding his duties or exact role in the day to day business of the factory has been brought on record. The investigation in the matter is complete. The charge-sheet is filed. The applicant is behind the bar since 19.04.2023. He is aged about 64 years. No purpose will serve by continuing his detention. The interest of the prosecution can be secured by imposing certain conditions. Hence, the case is made out for grant of bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Jagannath Raghunath Kuwar be released on bail in Crime No.I-73/2023 registered with Nizampur Police Station, Tq. Sakri, Dist. Dhule for the offence punishable under Section 304, 308, 285, 286 and 34 of the Indian Penal Code and Section 3 of Explosive Substances Act, 1908 and 36 of the Maharashtra Fire Prevention and Life Safety Measures Act, 2006 and Section 14 of the Child Labour Protection Act, 1986 on executing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:

- a. The applicant shall not tamper with the prosecution witness/evidence in any manner.

b. The applicant shall attend the Trial Court without default and cooperate for early disposal.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2023