

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

929 BAIL APPLICATION NO.1561 OF 2023

RAMESH CHANDRAKANT JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr.Randive Sachin S.
APP for Respondents : Mr. S.B. Narwade

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: October 11, 2023

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PER COURT :-

1. Heard. Leave to correct.
2. The applicant seeks regular bail in connection with Crime No.104 of 2023 registered with Pimpaldari police station, Tq. Gangakhed, District Parbhani for the offences punishable under section 304, 34 of Indian Penal Code and section 3,4, and 5 of the Explosive Substances Act, 1908.
3. The investigation was set in motion on the basis of the complaint given by one Narayan Kirmide stating that his son Sambhaji was employed by a land owner where the work for digging of well was going on. The contractors namely Lahu Chandrakant Jadhav and Ramesh Chandrakant Jadhav (present applicant) had a contract with land owner for blasting required for digging of the well. It is alleged that land owner Motiram Dharne had employed Sambhaji on crane.

4. On 8.7.2023 the informant received message that his son Sambhaji and Lahu Jadhav suffered injuries on account of blast and they are lying on the spot. The informant rushed to the spot and found that his son suffered severe injuries causing death. It is further alleged that the contractors have failed to provide safety measures while execution of the explosion work. As such, on account of their negligence, Sambhaji lost his life.

5. On the basis of the information, crime no.104 of 2023 was registered against the applicant, his brother and land owner for the offences punishable under sections 3,4,5 of the Explosive Substances Act and 304 r/w 34 of the IPC. The applicant has been arrested in pursuance of the aforesaid offences. His application for grant of bail has been rejected by the Sessions Court vide order dated 21.8.2023. Hence, present application.

6. Learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the crime. The applicant has not played any role in the crime. The allegations in the FIR shows that land owner had employed the deceased. Learned advocate appearing for the applicant further submit that the land owner is already released on bail. It is therefore submitted that the applicant be enlarged on bail.

7. Learned A.P.P strongly opposes the application. He would submit that work of explosion and excavation was

carried out without necessary licenses and care and caution, which prima facie shows that the contractors were at fault. He would submit that investigation in the offence is in progress. The applicant was a contractor with his brother. Therefore, prayer for grant of bail be rejected.

8. Having considered the aforesaid submissions advanced, it is apparent that son of the informant namely Sambhaji was employed by the land owner on a crane for execution of excavation of well. It appears that blasting material was used for digging the well. Due to explosion of the blasting material, injuries were suffered by the deceased as well as his co-worker Ramesh. Although, it is alleged that the applicant and his brother had a contract of digging of the well, there is no such documentary evidence on record. The applicant is aged about 19 years. FIR shows that the applicant took deceased to the hospital. Prima facie, there is no material to show complicity of the applicant in commission of the offence. The applicant is behind bar since 31.7.2023. Further detention of the applicant is not required. Investigation is practically over. Hence, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant-RAMESH CHANDRAKANT JADHAV be released on bail in connection with Crime No.104 of 2023 registered with Pimpaldari police station, Tq. Gangakhed, District Parbhani for the

offence punishable under sections 304, 34 of Indian Penal Code and section 3, 4, and 5 of the Explosive Substances Act, 1908 on his furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand) on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall visit the concerned police station once in a week i.e. on every Friday between 10 am to 2 pm till filing of the charge-sheet.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR J.)

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