

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

941 BAIL APPLICATION NO.2004 OF 2023

ROHINI JAGANNATH KUWAR
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Tambe Rahul A
APP for Respondent : Mr. A.S. Shinde

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: December 06, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.73 of 2023 (Sessions Case No.148 of 2023) registered with Nizampur police station, Tq. Sakri, District Dhule for the offences punishable under sections 304, 308, 285, 286, 337, 338 r/w 34 of the Indian Penal Code, u/s 3 of Explosive Substances Act, 1908 and u/s 14 of Child Labour Prevention Act, 1986.

2. The investigation was set in motion on the basis of the information given by Bhaiya Suresh Bhagwat. It is alleged that on 18.4.2023, the informant received a message that workers at Bhavani Celebration Workshop, Waskhedi, Taluka Sakri, have suffered injuries and they have been admitted to the hospital. Poor persons have lost their lives in the mishap and others were injured. The informant states that workshop was run without authorization for manufacturing candles wherein explosive substance is used as a raw material. It is

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alleged that because of the negligence of the owner/supervisor, the incident in question took place. Accordingly, Crime No.73 of 2023 came to be registered against in all four accused persons, including the present applicants.

3. The investigation progressed and charge-sheet is filed. The applicant has been arrested on 19.4.2023 and since then she is behind the bar.

4. Mr. Tambe, learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the crime. She has not committed any offence. He would submit that co-accused persons are already enlarged on bail. The applicant was not looking to the day-to-day business of the factory. She is a disabled person. The applicant is behind bar for more than seven months. Charge-sheet is filed. Her further detention would not be necessary.

5. Learned A.P.P. strongly opposes the prayer. He would submit that documents clearly suggests that applicant is the registered owner of the factory. It was run without necessary permit and authorization. Because of sheer negligence and unauthorized acts of the applicant, 4 persons have lost their life. He would therefore submit that strong prima facie evidence is against the applicant to show her complicity in commission of the offence.

6. Having considered the submissions advanced, apparently, applicant has been arrested on 19.4.2023. Since

then, she is behind the bar. As rightly pointed out by the learned counsel appearing for the applicant, she is disabled person having physical impairment on account of spine disability. It is possible that applicant was not actually looking to the day-to-day business. Although, incident is unfortunate and caused death of workers, further detention of the applicant would not be necessary. She is a handicapped lady; behind the bar for more than seven months. Investigation in the matter is complete. Complicity of the applicant in commission of offence and her actual role can be examined during the trial. There is no impediment in releasing the applicant on bail. In that view of the matter, case is made out for grant of bail. Hence, the following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - ROHINI JAGANNATH KUWAR be released on bail in connection with Crime No.73 of 2023 (Sessions Case No.148 of 2023) registered with Nizampur police station, Tq. Sakri, District Dhule for the offences punishable under sections 304, 308, 285, 286, 337, 338 r/w 34 of the Indian Penal Code, u/s 3 of Explosive Substances Act, 1908 and u/s 14 of Child Labour Prevention Act, 1986 on her furnishing P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution witnesses/evidence in any manner.

- b] The applicant shall attend the Trial Court without default and cooperate for early disposal of the case.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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