

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1109 OF 2020

Mohan K. Jangam ...Applicant
V/s.
State of Maharashtra ...Respondent.

Mr. Sudatta Patil with Mr. Kedar J. Patil and Ms Priyanka Patil for the Applicant.
Mrs. Rutuja Ambekar, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 17.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. This Court on 24 December 2020 passed the following order:

“1. This is an application under Section 438 of Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with C.R. No. 538 of 2020 registered with Tasgaon Police Station, Sangli for the offences punishable under Sections 304, 285, 286, 336, 337 and 338 of the Indian Penal Code.

2. It is the case of prosecution that landed property bearing Gat No. 377 situated at Bastavade, Taluka- Sangli is owned by accused Sambhaji Shivaji Chavan, Manisha Sambhaji Chavan and Sangramsingh Sambhaji Chavan as they intended to develop the said landed property, the work of leveling, blasting of land and drilling was allotted to the present applicant. The present applicant in turn allotted the work to a sub contractor by name Pratik Manmat Swami for drilling, blasting and leveling of the said land. It is alleged that the applicant and other accused did not take precaution and without there being any license of explosive, allowed accused Pratik Manmat Swami to use

explosive material, namely, gelatin etc as detonator. As a result, on 6th December 2020 while the work of leveling was going on gelatin was blasted, leading to the death of said Pratik Manmat Swami and Ishwar Gorakh Bamne on the spot. Two more persons were also seriously injured. Hence, the FIR.

3. Heard Mr. Patil, learned Counsel for the applicant and Mr.Nakhawa, learned APP for the State.

4. At the very outset, the learned APP submitted that investigating officer for some reasons could not make it before the Court and therefore sought time in the matter.

5. On the other hand, the learned Counsel for the applicant submitted that having regard to the nature of offence, there is no question of custodial interrogation and therefore urged that the applicant be protected by way of interim order.

6. Having regard to the facts and circumstances of the case and as also the fact that investigating officer along with relevant investigating papers is not available today and as also the present matter requires elaborate hearing, it would be just and proper to protect the applicant by ad-interim order till the next date.

7. In view of the above, I pass the following order :

ORDER

(i) In the event of arrest of the applicant in C.R.No. 538 of 2020 registered with Tasgaon Police Station, Sangli for the offences punishable under Sections 304, 285, 286,336, 337 and 338 of the Indian Penal Code, till the next date, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) with one or two sureties in the like amount;

(ii) The applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation;

(iii) This order shall operate till 11th January, 2021;

(iv) Stand over to 11th January, 2021.

8. Parties and all concerned to act on an authenticated copy of this order duly issued by Personal Assistant/Court Sheristedar of this Court."

3. The learned APP on instructions submits that the investigation is over.

4. Considering the overall facts and circumstances of the case, I am inclined to allow the present application. The interim order passed by this Court dated 24 December 2020 is hereby confirmed.

5. The Application is disposed of.

[N.R.BORKAR, J.]