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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.152 OF 2024

Bibhishan Somnath Katkhde

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. Mahesh P. Kale, Advocate for the applicant
Mr. S. V. Hange, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No. 14 of 2024 registered with Kotwali Police Station, District - Ahmednagar for offence punishable under section 304 of the Indian Penal Code.
2. FIR is lodged by Ujjwala Prashant Gaikwad, stating that her husband was doing welding work at the shop of his maternal uncle – Ram Khamkar and also used to go the shop of applicant for welding work. On 13th December, 2023 though her husband was not feeling well, applicant made persistent phone calls to him and he was constrained to go to his shop for welding work. While her husband was doing welding work at the shop of applicant, there was explosion of gas cylinder and her husband

sustained grievous injuries and he succumbed to the burn injuries while under medical treatment. Applicant has not provided any safety equipment while her husband was doing welding work and hence applicant is responsible for his death.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. Perusal of the investigation papers reveals that main allegation against applicant is that he has failed to provide safety equipments to the deceased while he was doing gas welding. Spot Panchanama is conducted and the gas cylinder etc. is seized. FIR is lodged after a delay of about 21 days and the delay is not explained. The offence has taken place on 13th December, 2023 and the investigation appears to be almost complete. Nothing is to be recovered from applicant. His pre-trial custodial detention is, therefore, not necessary in the facts of the present case. Hence, the application is allowed by confirming the interim protection granted to applicant. Applicant shall attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE