



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

971 ANTICIPATORY BAIL APPLICATION NO. 717 OF 2024

Aslam Younus Shaikh

..APPLICANT

-VERSUS-

1. The State of Maharashtra
2. The Commissioner of Police

..RESPONDENTS

Advocate for Applicant : Mr.A.M. Karad

APP for Respondent/State: Mr.P.K. Lakhotiya

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th June, 2024.

P.C.:

1. The applicant apprehends arrest in connection with FIR No.0169 of 2024 registered with Cantonment (Chawani) Police Station Aurangabad City, for the offence punishable under sections 304, 304-A of the Indian Penal Code (For short, "IPC") and section 135(e) of the Electricity Act, 2003.

2. It is the prosecution's case that informant Suresh Mali lodged report on 3rd April, 2024 alleging that on 3rd April, 2024, when he was on duty as Police Sub-Inspector at Cantonment Police Station Chawani, he received information from control room that a cloth shop has caught fire at Chawani Danabazar. Control room directed them to send fire brigade to the incident place immediately. Informant and his team immediately reached the incident spot at Danabazar camp, where at ground floor cloth shop was engulfed in fire and smoke was

seen going out on upper floor. Fire Brigade Car was extinguishing the fire. Total 7 persons from second floor were sent to GHATI hospital in unconscious condition and they were declared dead. It is alleged that the applicant is the owner of the said building. The applicant was running a cloth and tailoring shop on the ground floor of the building, where a large amount of electricity was being used for the entire building. So they should have taken electronic commercial meter but he gave electricity load of all shop and house only on domestic electric meter. Due to failure of electricity meter and short circuit, the cloth shop caught fire. The windows of the said building was closed. There was no ventilation. Fire spread and victims died due to suffocation.

3. It is contention of learned counsel for the applicant that F.I.R. is lodged against the applicant under political pressure. The applicant has been falsely implicated in this case. The offence is registered against the applicant only on the basis of surmises. The fire broke out due to short circuit but as the applicant is owner of the building, he has been falsely implicated in this case stating that electric meter of the applicant was domestic electric meter and it should be commercial electric meter. The custodial interrogation of the applicant is not required. Hence he requested to allow the application.

4. It is contention of learned APP that the applicant was running shops on the ground floor of the building. He should have taken commercial electric meter but instead of that he was using domestic

electric meter. The connections from the said electric meter were given to the said shops. There was load on the said electric meter due to which fire broke out. There is prima facie case against the applicant. His custodial interrogation is required. Hence he requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. It is the contention of learned counsel for the applicant that the fire broke out due to short circuit whereas it is contention of the learned APP that due to load on domestic electric meter the fire is broke out. Considering the nature of allegations against the applicant, his custodial interrogation is not required as electric meter is inspected by the concerned Department. Hence I pass the following order:-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicant in connection with FIR No.0169 of 2024 registered with Cantonment (Chawani) Police Station Aurangabad City, for the offence punishable under sections 304, 304-A of the Indian Penal Code and section 135(e) of the Electricity Act, 2003, the applicant be released on executing personal bond in the sum of Rs.25,000/- with one surety of the like amount, on the following conditions :-

(a) the applicant shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga