

4. The work of erection of statue was given to M/s Artistry, belonging to the co-accused Jaydeep Apte. It is alleged that the work of erection of platform/ pedestal, statue and stability analysis was done by the applicant who is a structural consultant.
5. It is further alleged that the applicant and the co-accused carried out the said work by using low quality material, knowing fully well that they are inviting untoward incident and loss of life of public.
6. In the said backdrop, the complaint came to be lodged on 26.08.2024 with police station, Malwan, Sindhudurg.
7. Having gone through the charge-sheet and the relevant material collected by the IO during the investigation, it is evident that there is no document showing that the applicant was appointed by the Public Works Department, seeking report of stability analysis and design of pedestal and statue.
8. The detailed report submitted by the applicant is a part of the charge-sheet, where from it can be seen that the report submitted by the applicant was in respect of stability analysis and design of pedestal for erection of Chhatrapati Shivaji Maharaj sculpture at Rajkot, Malwan, Sindhudurg and not in respect of statue.
9. There is no dispute about the fact that after the alleged incident, the pedestal is still intact and no damage is caused to it. The damage which was caused was to the statue.
10. In the circumstances, the allegations against the applicant as regards the report of stability analysis and design of pedestal are

prima facie unfounded.

11. The applicant is in jail from 30.08.2024 and in the meantime the charge-sheet has been filed after completion of investigation.

12. Considering the above-referred facts, I am of the opinion that the applicant is entitled for grant of bail. However, the learned APP has strongly opposed the application. The learned APP submits that the contract was given by the co-accused Jaydeep Apte to the applicant for giving stability analysis and design of pedestal. On a specific query whether there was any contract between the government and the present applicant, she fairly states that as per the charge-sheet, there is nothing to show that any alleged contract was given by the government to the applicant.

13. In the circumstances, considering the above referred observations along with the report of the Joint Technical Committee which is not part of the charge-sheet, but fairly pointed out by the learned APP, which shows that the Joint Technical Committee categorically observed that structural design of the pedestal, as per the drawing available, appeared to be satisfactory, with necessary stability; checks apply.

14. In that view of the matter, I pass the following order :

ORDER

- i) Criminal application is allowed;

ii) It is directed that the applicant shall be released on bail in Crime No.133 of 2024, registered with Malwan Police Station, Sindhudurg, for the offences punishable under Sections 3(5), 109, 110, 125, 318 of Bhartiya Nyay Sanhita, 2023 (for short, 'BNS') and under Section 3 of the Prevention of Damage of Public Property Act, 1984, on furnishing P.R. Bond in the sum of Rs. Twenty Five Thousand with one solvent surety in the like amount:

iii) The applicant is permitted to deposit cash security in the sum of Rupees Twenty Five Thousand (Rs. 25,000/-) in lieu of surety for a period of one month from today. No further time will be granted to furnish the surety.

iv) The applicant shall attend the concerned Police Station on 1st day of every month between 10.00a.m. to 11.00 a.m., till the conclusion of the trial except on the date of trial;

v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

vi) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence;

vii) The applicant shall attend the trial before the trial

Court regularly on every date unless exemption is granted by the trial Court.

15. The application is disposed of .

(ANIL S. KILOR, J)