



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 470 OF 2025

Dattatraya Vikram Jaybhay,
Age : 57 years, Occu. : Agriculture,
R/o. Village Durgaon, Tq. Karjat,
Dist. Ahilyanagar.

... Applicant

Versus

1. The State of Maharashtra,
2. The Police Inspector,
Karjat Police Station,
Tq. Karjat, Dist. Ahilyanagar.

... Respondents

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Mr. R. N. Dhorde, Senior Counsel i/b. Mr. V. R. Dhorde, Advocate
for Applicant.

Mr. N. D. Batule, APP for Respondents – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 03 APRIL 2025

PRONOUNCED ON : 08 APRIL 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No. 98 of 2025 registered at Karjat Police Station, Dist. Ahilyanagar for the offences punishable under sections 105, 288, 125, 125(a), 125(b), 3(5) of Bharatiya Nyaya Sanhita and under sections 3, 4, 5 and 6 of Explosive Substances Act.

2. Learned Senior Counsel pointed to the date of arrest of applicant as 19.02.2025 and submitted that, he is a Contractor, who undertakes work of blasting and digging wells. He has licence for the same. He pointed out that, applicant was not present when the accident took place. That, inadvertently, driver of the machinery put on the switch, resulting into blast injuring two persons along with informant and two of whom allegedly died later on. Learned Senior Counsel emphasized that, applicant was not present when the mishap took place. Therefore, consequently nothing is to be recovered or discovered from him and no purpose whatsoever would be achieved by further detention as the machinery and tractor are already seized. Learned Senior Counsel undertakes that applicant is ready to abide all and any conditions imposed by this court and he urges for grant of regular bail.

3. Learned APP opposed on the ground that another case has been registered against the applicant for being negligence. He was expected to be present when the activity was to be conducted. He is responsible for the same. That, other accused are absconding. Moreover, according to learned APP, there is death penalty for above offences.

4. Heard. Perused the FIR dated 19.02.2025 is at the

instance of one Mininath Chopade. It is reported that, he had engaged services for digging well by blasting. Around 6:30 p.m, present applicant owner of the blasting agency left the spot. After planting the explosive, before informant came out the well, tractor driver and owner of well Ganesh Mhetre set on the explosive causing injury to Vitthal Jadhav, Santosh Kumar and informant. Vitthal and Santosh allegedly expired and hence above report.

5. Apparently, as submitted present applicant being owner and contractor of the machinery had left and as such has remained negligent. Nothing is shown to be recovered or discovered at his instance. There are no immediate prospects of matter going for trial. Hence the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Dattatraya Vikram Jaybhay be released on bail in connection with Crime No. 98 of 2025 registered at Karjat Police Station, Dist. Ahilyanagar, on executing Personal Bond of Rs.15,000/- with one surety in the like amount, on the following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of his attendance till filing of charge-sheet and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)