

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 2126 of 2025

Jaysinh Shankarrao Mohite-Patil
Age 76 years, Occ. Agriculture
& Business, R/at : Yashwantnagar,
At Post Akluj, Taluka – Malshiras,
District – Solapur.

... Applicant

versus

The State of Maharashtra
(Through Akluj Police Station,
District – Solapur)

...Respondent

Mr Abhijit D Kulkarni a/w Mr Prasad, for the Applicant.
Mr S V Walve, APP, a/w Mr Shahaji Shinde, 'B' Panel Counsel,
for the Respondent / State.
API Salunkhe Vikram, Akluj Police Station, Solapur, is present.

Coram: R.N. Laddha, J.
Date: 31 July 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.445 of 2025, registered at Akluj Police Station, Solapur Rural, for offences punishable under Sections 106(1), 125(a), 125(b) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 18 June 2025, around

12:45 p.m., the informant's brother, Tushar, along with another individual named Vaibhav, were riding the 'Octopus' amusement ride at Sayajiraje Waterpark, located in Akluj. It is alleged that the ride operator was running the equipment at an excessively high speed, which resulted in a mechanical failure. The ride subsequently collapsed, causing both Tushar and Vaibhav to suffer grievous injuries. They were immediately shifted to a nearby hospital for medical treatment. Tragically, Tushar succumbed to his injuries and was declared dead. At the time of the incident, the applicant is said to have been the owner of the land on which the water park was established and operating.

3. Mr Abhijeet Kulkarni, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the applicant did not participate in or oversee the routine operations of the water park in question. In support of this, the learned Counsel places reliance on an office order dated 17 March 2025, whereby the applicant had explicitly delegated all responsibilities pertaining to the operations, supervision, staffing, maintenance, and safety to designated managers and supervisors named in the said order. The applicant had neither any role in nor any knowledge of the

purported deficiencies or acts of negligence that are alleged to have caused the unfortunate incident. Emphasising the applicant's lack of direct involvement, the learned Counsel submits that the applicant is a senior citizen aged approximately 76 years, and no recovery or discovery is to be effected from him in connection with the matter. The learned Counsel submits that the applicant is willing to comply with any conditions that this Court may deem fit to impose.

4. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is of a grave and serious nature. The applicant displayed gross negligence in discharging his duty, particularly by failing to ensure proper supervision of safety protocols and operational management at the waterpark. This lapse directly contributed to a tragic incident wherein two individuals sustained critical injuries, one of whom unfortunately succumbed to the same.

5. The learned APP, upon instructions from the investigating officer, further states that the investigation is at an advanced stage and is nearing completion. There remains no necessity for custodial interrogation, as nothing further is required to be recovered or discovered from the applicant. Nonetheless, the prosecution expresses apprehension that if the applicant is

granted the relief of pre-arrest bail, there exists a real and substantial possibility that he may interfere with the investigation by tampering with material evidence or attempting to influence or intimate key-witnesses.

6. Upon perusing the records, it appears that the primary allegation against the applicant is that, as the owner of the waterpark, he failed to ensure that the equipment was properly maintained, which allegedly resulted in the unfortunate death of the victim. However, the materials on record, *prima facie*, indicate that prior to the incident in question, the applicant had delegated and entrusted the day-to-day operations, including supervision, staffing, maintenance, and implementation of safety protocols, to various other individuals. These individuals were assigned responsibilities to ensure the smooth and safe functioning of the waterpark and were expected to take appropriate precautions to prevent any mishaps. There is nothing on record to suggest that these individuals had, at any point, brought to the applicant's notice any lapses or deficiencies in maintenance or safety standards. Furthermore, the prosecution does not allege that the applicant was ever made aware of any such issues before the occurrence of the incident. This suggests a lack of direct involvement or knowledge on the part of the applicant with regard to the

alleged negligence. The prosecution's apprehensions about evidence tampering or witness influence can be addressed by imposing appropriate conditions. In the circumstances, this Court deems it appropriate to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicant's arrest in CR No.445 of 2025, registered at Akulj Police Station, Solapur Rural, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.
- (iii) The applicant, himself or through any other person, shall not indulge in any activities that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)