

Harish

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

ANTICIPATORY BAIL APPLICATION NO. 2351 OF 2025

Adik Sadashiv Marathe ...Applicant

Versus

The State Of Maharashtra ...Respondent

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Mr. Kuldeep U. Nikam, Advocate for the Applicant.

Ms. P. S. Rane APP for the State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 19th NOVEMBER, 2025.

P.C.

1. The applicant is apprehending arrest in crime no. 361 of 2025 registered with Miraj City Police Station, Dist- Sangli for the offences punishable under Sections 105, 125(A), 125(B) and 3(5) of Bharatiya Nyay Sanhita, 2023.

2. It is prosecution's case that on 1st September 2025, there was mishap at Khushi-1 building, one wall was collapsed and the workers working there buried under the debris of the said wall. In the said mishap, two peoples died and 5 are injured. It is alleged that the applicant is the contractor of the said construction.

3. It is contention of learned counsel for the applicant that all safety measures were provided to the construction workers. It was merely mishap. The supervisor, who was supervising the construction work, has been released on anticipatory bail by the learned Sessions Judge. Considering the allegation against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of learned APP that the incident occurred due to sole negligence of the applicant. He has not provided proper safety measures to the workers at construction site. The Labour Commissioner's Report indicates that no safety measures were provided to the construction workers. The applicant has one antecedent under the same sections. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel, perused the FIR and documents produced on record.

6. The supervisor, against whom having similar allegations, has been released on anticipatory bail by the learned Sessions Judge. The applicant was not present at the spot of incident. Considering the allegations of negligence against the applicant, his custodial interrogation is not required and I pass following order:

O R D E R

- I. Application is allowed
 - II. In the event of arrest, applicant be enlarged on bail in crime no. 361 of 2025 registered with Miraj City Police Station, Dist- Sangli on furnishing P. R. Bond in the sum of Rs. 20,000/- with one or two sureties in the like amount.
 - III. The applicant shall attend the concerned police station as and when required.
 - IV. The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.
7. Application is disposed of in above terms.
 8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.
 9. All concerned to act on authenticated copy of this order.

(SHIVKUMAR DIGE, J.)