

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 4319 OF 2024

Jaydeep B. Apte ...Applicant
V/s.
The State of Maharashtra ...Respondent.

.....
Mr. Ganesh Sovani for the Applicant.
Mrs. G.P. Mulekar, APP for the Respondent/State
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CORAM : N.R. BORKAR, J.
DATE : 10.01.2025.

P.C. :

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.133 of 2024 registered at Malvan Police Station, Sindhudurg for the offences punishable under Sections 3(5), 109, 110, 125 and 318 of the Bhartiya Nyaya Sanhita, 2023 (BNS) and Section 3 of the Prevention of Damage of Public Property Act, 1984.
3. It is the case of the prosecution that the contract of erection of the statue of Chatrapati Shivaji Maharaj at Rajkot, Dist. Sindhudurg was awarded to the firm of the present applicant. It is alleged that the statue was erected by using material of inferior quality and thus it collapsed on 26.08.2024 within a short period of about 9 months. It is alleged that the material of inferior quality was used for erection of the statue being fully aware of the fact that if the statue were to fall, it could cause a loss of human life.

4. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.

5. The learned counsel for the applicant submits that the statue was erected as per specification mentioned in the work order. It is submitted that thorough inspection of the statue was done by the expert from Naval Dockyard and Public Works Department and they did not find that it was erected not as per specification. It is submitted that the applicant is in jail for about four months. It is submitted that the prosecution has already filed the charge-sheet and any further detention of the applicant is not warranted.

6. On the other hand, the learned APP for the respondent/State submits that after the alleged incident a Joint Technical Committee of the experts was formed. It is submitted that the said Committee has *inter alia* found that corrosion and poor welding enfeebled the integrity of the structural steel members and skeletal material. Inferior joining techniques reduced the load bearing capacity of the structure, with issues like lack of fusion, insufficient penetration and discontinuous welds. It is submitted that considering the overall facts and circumstances, the applicant may not be released on bail.

4. This Court has already released the co-accused on bail by whom the stability report was submitted. The investigation is over. The applicant is in jail for about four months. Considering overall facts and circumstances of the case, I am inclined to

release the applicant on bail. In the result, the following order is passed:

ORDER

A] The Application is allowed.

B] The applicant be released on bail in C.R. No. 133 of 2024 registered at Malvan Police Station, Sindhudurg for the offences punishable under Sections 3(5), 109, 110, 125 and 318 of the Bhartiya Nyaya Sanhita, 2023 (BNS) and Section 3 of the Prevention of Damage of Public Property Act, 1984 on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.

C] The applicant shall regularly attend the dates before the trial Court. The bail shall stand automatically cancelled, if the applicant without any valid reason fails to attend two consecutive dates before the trial Court.

[N.R.BORKAR, J.]