



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (BA) No. 1249 of 2024

Chandrakant S/o Barsuji Parate

Versus

State of Maharashtra through Police Station Officer, Police Station Juni
Kamptee, Kamptee, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.K.Bhangde, Advocate for the applicant.

Shri M.K.Pathan, APP for the non-applicant/State.

CORAM : G.A.SANAP, J.

DATED : 10th JANUARY, 2025.

This is an application for bail filed by accused no.2, who has been arrested in Crime bearing No. 426 of 2024 registered at Old Kamptee Police Station, Tah. Kamptee, District Nagpur for the offence punishable under Sections 105 and 125 of the Bharatiya Nyay Sanhita, 2023.

2. Learned advocate for the applicant submitted that accused no.2 was not operator of the JCB (Big crane). He was doing a painting work of the bridge. The crane was parked on the road. With the help of

hydraulic trolley, he was doing the painting work. The operator of the crane was accused no.1, was also arrested. Learned advocate for the applicant submitted that he was not operator of the crane and as such not responsible for this incident. Learned advocate for the applicant submitted that the bail application has been rejected on the ground that two women have died in an accident and investigation is in progress. Learned advocate for the applicant submits that the applicant/accused no.2 is ready to abide by the conditions that may be imposed by this Court.

3. Learned Additional Public Prosecutor submitted that the investigation is in progress. One accused, who was supervisor deployed at the spot by the Company, is yet to be arrested. The main contract of painting work was given to the said company.

4. I have gone through the record and proceedings. The offence of culpable homicide not amounting to murder has been registered against the accused persons. Undisputedly, accused no.2 was neither the owner nor the operator of the crane at the time of the accident. He had taken the contract from the company. He had availed the services of accused no.1. Accused no.1 is the owner of the crane and he was operating the crane at the time of the accident. It is true

that two women travelling in auto rickshaw, which collided on the crane, died and other occupants of the auto rickshaw were injured.

5. Considering the role attributed to the accused no.2/applicant, in my view, his further detention is not necessary. He has been remanded to magisterial custody. The apprehension put forth by the learned Additional Public Prosecutor can be taken care of by imposing appropriate conditions. Hence, the following order.

- i) Criminal application is allowed.
- ii) Applicant Chandrakant S/o Barsuji Parate be released on bail in Crime No. 426 of 2024 registered at Old Kamptee Police Station, Tah. Kamptee, District Nagpur for the offence punishable under Sections 105 and 125 of the Bharatiya Nyaya Sanhita, on their furnishing P.R.Bond in the sum of Rs.15,000/- (Rupees Twenty Thousand only) with one surety in the like amount.
- iii) The applicant shall not, directly or indirectly, make any inducement or promise to any witness in any manner.
- iv) The applicant shall not tamper with the prosecution evidence.

v) The applicant shall not pressurize or threaten the prosecution witnesses.

vi) The applicant shall attend Police Station, Old Kamptee Police Station till filing of the charge-sheet on every Saturday between 7:00 p.m. and 9:00 p.m.

6. The Criminal Application stands disposed of accordingly.

[G.A.SANAP, J.]