



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2073 OF 2024

1. Surendra Nanasaheb Khairnar
2. Mahadev Govind Patil
VERSUS
The State Of Maharashtra

WITH
ANTICIPATORY BAIL APPLICATION NO. 2075 OF 2024

Dnyaneshwar Kondiba Rithe
VERSUS
The State Of Maharashtra

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- Mr. S. B. Bhapkar, Advocate h/f. Mr. P. K. Joshi, Advocate for Applicants
- Ms. P. J. Bharad, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 23.03.2026

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State.
2. The applicants have approached this Court apprehending arrest in connection with FIR No. 0463 of 2024, dated 17.11.2024, registered with Karmad Police Station, District Aurangabad, for the offences punishable under Sections 105 and 3(5) of the BNS, 2023.
3. Learned counsel for the applicants submits that the applicants are falsely implicated in a serious offence under Section 105 of the

BNS, 2023, which is punishable with life imprisonment. In Anticipatory Bail Application No. 2073 of 2024, Applicant No.1 Surendra Khairnar was working as Assistant Manager (Safety) and Applicant No.2 Mahadev Patil was working as General Manager (Maintenance). In Anticipatory Bail Application No. 2075 of 2024, the applicant Dnyaneshwar Rithe was working as a labour contractor for appointing labourers in Radico NV Distilleries Maharashtra Limited, Shendra MIDC, District Chhatrapati Sambhajnagar, since several years.

4. This Court, by order dated 09.12.2024, granted interim protection to the applicants subject to the condition that they shall attend the police station as and when called by the Investigating Officer and shall cooperate with the investigation. Learned counsel submits that the applicants have complied with the said order and have not violated any of the conditions. It is further submitted that the charge-sheet has already been filed. Therefore, custodial interrogation of the applicants is not necessary, and the interim protection deserves to be confirmed.

5. Learned counsel further submits that the applicants had no intention or knowledge that their acts would result in the death of four persons. The incident is an accident which occurred despite safety measures. The applicants are respectable persons, have no

criminal antecedents, are not flight risks, and are willing to abide by any condition imposed by this Court. It is also submitted that the company has adequately compensated the families of the deceased and has assured employment to the kith and kin of some deceased. Considering the nature of allegations and the fact that the applicants have complied with the interim order dated 09.12.2024, it is prayed that the interim order may be confirmed.

6. As against this the learned APP strongly opposes the applications on the ground that the offence is serious in nature, involving culpable homicide not amounting to murder, punishable with life imprisonment. The incident resulted in the death of four labourers, and custodial interrogation may be necessary.

7. Perusal of the First Information Report and the investigation papers made available by the learned APP reveals that the charge-sheet has already been filed in the present crime. It appears that the applicants have attended the Investigating Officer and have cooperated with the investigation. The agreement entered into between the company and the deceased persons is placed on record and marked 'X' for identification. A perusal of the said agreement shows that the deceased persons have been adequately compensated in accordance with the nature of their employment in the company. The amounts to which the deceased were entitled under the

Workmen's Compensation Act have also reportedly been paid to the families of the deceased employees. Be that as it may, since the investigation appears to have been completed and the charge-sheet has been filed, I see no impediment in confirming the interim order. Hence, the following order: -

ORDER

- i. The Anticipatory Bail Applications are allowed.
 - ii. The interim order dated 09.12.2024 is hereby confirmed, subject to the following further conditions:
 - A) The applicants shall attend each and every date of the trial, unless exempted by the trial Court for valid reasons.
 - B) The Applicant shall also cooperate with the further investigation, if any.
 - C) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - D) The applicant shall furnish copies of his Aadhaar Card and PAN Card to the Investigating Officer along with the addresses and mobile numbers of two nearest relatives.
8. Needless to state that a single violation of any of the aforesaid conditions shall entitle the prosecution to seek cancellation of the anticipatory bail granted herein.

9. The observations made herein are prima facie in nature and shall not influence the Trial Court while deciding the case on its own merits.

10. Both the Anticipatory Bail Applications stand disposed of accordingly.

(MEHROZ K. PATHAN, J.)