



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 107 OF 2025

Prakash Rajaram Dhulgand

VERSUS

The State Of Maharashtra

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- Mr. K. N. Shermale, Advocate for Applicant
- Mr. A. S. Shinde, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 03.02.2026

PER COURT :

1. Heard learned counsel for the applicant, the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No.0433 of 2024 dated 18.12.2024, registered with Ghargaon Police Station, District Ahilyanagar, for the offences punishable under Sections 105, 125(a), 125(b) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. This Court, vide order dated 22.01.2025, granted ad-interim protection to the present applicant, subject to the condition that the applicant shall attend the Investigating Officer on specified dates.
4. Learned counsel for the applicant submits that the applicant has attended the police station and has cooperated with the

investigation. It is submitted that there remains nothing to be investigated insofar as the role of the present applicant is concerned and that the investigation is almost complete. Hence, custodial interrogation of the applicant is not necessary. Learned counsel further submits that the complainant has sworn an affidavit dated 31.12.2024 stating that the entire work was allotted to one Balaji Maruti Gutwad and that the construction of the dome was not the responsibility of the present applicant, who was only given the contract for construction of the premises. The remaining construction work was to be carried out only after completion of the dome construction.

5. Learned counsel for the applicant further submits that the applicant has no criminal antecedents and is ready to abide by any condition that may be imposed by this Court. It is submitted that the offence under Section 105 of the Bharatiya Nyaya Sanhita is not made out against the present applicant.

6. The learned APP strongly opposes the present application, contending that an inspection report prepared by the PWD Department, Sangamner, clearly records that substandard material was used in the scaffolding and centring work, which resulted in the accident. It is further submitted that the applicant had executed an agreement with the Mandir Trust and was allotted the construction

work of the dome. Therefore, the applicant cannot claim ignorance and is liable for prosecution. It is contended that the incident resulted in the death of a labourer due to use of substandard material and that the offences are clearly made out against the applicant.

7. I have perused the interim order dated 22.01.2025 and the investigation papers produced by the learned APP. The record indicates that the investigation as against the present applicant is almost complete. The inspection report of the PWD Department and the agreement between the applicant and the Mandir Trust are already part of the investigation. The affidavit filed by the complainant would prima facie show that the main contract for construction of the dome was allotted to one Balaji and not to the present applicant. Balaji has not been arraigned as an accused. Taking into consideration that the investigation qua the present applicant is substantially over, further custodial interrogation does not appear to be necessary. Therefore, I am inclined to exercise powers under Section 438 of the Code of Criminal Procedure. Hence, the following order:

ORDER

- i. The Anticipatory Bail Application is allowed.
- ii. The interim order dated 22.01.2025 is hereby confirmed, subject to the following further conditions:

- A) The applicants shall attend the concerned police station and report to the Investigating Officer as and when required by the Investigating Officer, till filing of the charge-sheet.
- B) The Applicant shall also cooperate with the investigation.
- 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 and shall not influence the Trial Court while deciding the case on its own merits.

10. In view of the above, the Anticipatory Bail Application stands disposed of.

(MEHROZ K. PATHAN, J.)