

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

CRIMINAL APPLICATION (ABA) NO.554/2017

Niraj S/o Narendra Raut (Jain)

..Vs..

State of Maharashtra, through Police Station Officer, Police Station Ramtek,
Distt. Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Jaiswal, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 2.8.2017.

Heard.

Apprehending arrest in connection with Crime No.406/2017 registered by the non-applicant for the offence punishable under Section 304 of the Indian Penal Code, the applicant has sought pre-arrest bail.

According to the investigating agency, the applicant is in business of erecting pendals, stage and undertaking decoration for programmes and while performing part of the contract there had been negligence on his part and electric wires with cuts i.e. life wires without insulation were used and a boy, aged about 12 years, became victim of negligence on the part of the applicant and died due to electric current.

The applicant claims that he had taken contract for Rs.10,000/- to supply some material but not

the electric fitting. However, the applicant has not denied that he had provided a halogen lamp but according to him, he had only supplied it and not provided the electric wire for its fitting.

Be that as it may, on the basis of the facts on record it cannot be said that custody of the applicant is necessary for investigation. The applicant, aged about 41 years, claims to be a businessman and has stated that he is not involved in any other crime / offence.

However, as admittedly there is loss of life of a young boy, aged about 12 years, following order is passed:

In the event of arrest in connection with Crime No.406/2017 registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.1,00,000/- (Rs. One Lakh) and one solvent surety in the like amount.

The District Legal Services Authority, Nagpur shall pay provisional compensation of Rs.2,00,000/- (Rs. Two Lakhs) to either father or mother of deceased boy - Amit Suresh Aakre.

The applicant as well as the learned A.P.P. shall intimate this order to father of deceased boy - Amit Suresh Aakre immediately.

It will be the responsibility of applicant to accompany Suresh Aakre - father of deceased to the District Legal Services Authority, Nagpur and help him in completing the necessary formalities.

The applicant shall file an affidavit before this

Court within four weeks pointing out the progress of the matter before the District Legal Services Authority, Nagpur.

Failure on the part of applicant to comply with these directions will result in the recall of the present order and cancellation of pre-arrest bail granted to the applicant.

Jurisdiction under Section 357-A of the Code of Criminal Procedure is exercised in the present case in view of admitted fact that a young boy, aged about 12 years, lost life because of negligence on the part of the contractor who has undertaken the work of providing electric fitting.

The learned A.P.P. has submitted that the record shows that there were more than 50 cuts in the wire used by the electric contractor. The competent authority shall take appropriate action against the contractor in question within four weeks.

The learned A.P.P. shall send copy of this order to the concerned competent authority immediately.

With the above directions, the application is **disposed of.**

JUDGE