

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1975 OF 2018

1) Mr.Zakir Mohd.Ismail Momin
2) Mr.Shabir Mohd. Sadik Ansari ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.Rajendra J. Rathod for the Applicants.
Mrs. A.A.Takalkar, APP for the Respondent/ State.

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**CORAM: PRAKASH D. NAIK, J.
DATED: AUGUST 23, 2018**

P.C. :

1. This is an application for bail. The applicants are arrested on 12th July, 2018 in connection with CR No. I- 208 of 2018 registered with Bhiwandi City Police Station. The First Information Report (F.I.R.) was initially registered for offence under Section 304 (A) of the Indian Penal Code, which was subsequently altered to Section 304 Part II.

2. The case of the prosecution is that on 9th June 2018, there was heavy rain and water logging in the area of Zaitoonpura at

Bhiwandi where the victim had parked his auto rickshaw and he was worried about water entering into his auto rickshaw. The victim tried to push it and while doing so, he suffered electric shock which resulted into his death. The accidental death was registered and the enquiry was conducted by the police. It was revealed that there was street pole belonging to Bhiwandi Municipal Corporation and at some distance, there was syntex box of Torrent Electricity Company from where electricity used to pass and from the said box, many illegal electric lines have been taken. It was found that outer covers of two wires were open from which electricity was flowing, which caused the death of the victim. The accused were responsible for illegal connection of the electricity, which resulted into the death of the victim.

3. As stated above, initially, the offence was registered under Section 304 (A) of the Indian Penal Code, which is subsequently converted to Section 304 Part II. The applicants are in custody from 12th July, 2018. The F.I.R. was registered against three persons.

4. It is submitted that the applicants were produced before the concerned Court and on the first date itself, they were remanded to judicial custody.

5. Learned APP submitted that the applicants were responsible for the death of the victim. The accused had taken the electricity connection illegally and the electricity was consumed unauthorizedly. The offence is serious in nature.

6. It is submitted that applicant No.2 is a senior citizen aged about 70 years. Applicants are in custody for more than one month

7. Considering the aforesaid circumstances and the fact that the applicants are in custody from 12th July 2018, further custody of the applicants is not necessary. Hence, I pass the following order :-

ORDER

- i) Bail Application No. 1975 of 2018 is allowed.
- ii) The applicants are directed to be released on bail on furnishing PR Bond in the sum of Rs. 15,000/- each

with one or more sureties in the like amount in connection with CR No. I-208 of 2018 registered with Bhiwandi City Police Station.

- iii) The applicants are directed to report Bhiwandi City Police Station once in a week on Saturday between 10.00 a.m. to 12.00 noon till filing of the chargesheet.
- iv) Bail Application No. 1975 of 2018 stands disposed of.

(PRAKASH D. NAIK, J.)