

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1810 OF 2019

Suresh Vishwanath Kapse] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Ganesh Bhujbal i/b Mr. A.M. Misal, Advocate for the Applicant.
Ms. S.S. Kaushik, APP for the State/Respondent.
PSI Rathod attached to Vairag Police Station, Solapur Rural present.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 20th AUGUST, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.205/2019 registered with Vairag Police Station, Solapur Rural u/sec. 304 of I.P.C.

2. The offence is registered on 25/06/2019 at the instance of one Nagnath Bhosale. He has stated in his FIR that, the present applicant has an agricultural field next to the informant's land. The applicant had obtained electricity supply by illegal way by putting a wire from the regular electricity supply wires which were passing from their field. The wire which he had used for such illegal purpose was old

and was joined at various places. That wire was dangerous. A few days prior to the incident in question, his goat has touched the wire and was killed. The informant had told the applicant about that incident and had requested him to remove those wires from the field. However, the applicant had not taken any action and the wire was kept as it is. On 23/06/2019, informant's father saw those wires and he protected the children who used to play in the field. He tried to keep that wire aside. As soon as he touched that wire, electric current passed through him and he suffered injuries. The informant went there. He tried to switch off the supply. But his father had already died. On this basis, the FIR is lodged.

3. Heard Mr. Ganesh Bhujbal, Ld. Counsel for the Applicant and Ms. S.S. Kaushik, Ld. APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that, the investigation in this matter is already over. There is no point in arresting the applicant. There was no intention on the part of the applicant to cause death and he cannot be held responsible.

5. Ld. APP opposed this application. She submitted that, the allegations in the FIR are self explanatory and the offence is clearly made out.

6. The FIR indicates that, the applicant had taken electricity supply by illegal means. The wire which he had used was in dangerous condition. It was having joints at various places and it was exposed. The residents were living in dangerous condition. In spite of this, the applicant had not taken any corrective measures. Therefore, at this stage, the offence u/sec. 304 (II) of I.P.C. is made out in the FIR. One life is lost. The offence is serious. His custodial interrogation is necessary to find out in what manner that illegal electricity supply was taken by him. For all these reasons, custodial interrogation of the applicant is necessary. There is no merit in the application. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)