

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

Criminal Application (BA) No. 400 of 2019

Raja S/o Ramchandra Javrani and one another
Vs.
State of Mah. Through P.S. Gadge Nagar, Amravati

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

Court's or Judge's orders

Mr.R.K. Patil & Mr. P.V. Navlani, Advocate for applicants.
Mr. H. R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 17, 2019

The applicant herein has approached this Court for grant of bail as he stood arrested on 20th April, 2019 in pursuance of FIR dated 19/04/2019 registered against him, initially for the offence punishable under Section 304-A of the Indian Penal Code and thereafter for offence punishable under Section 304 of the Indian Penal Code.

2. The applicant and his wife are named as accused in the said FIR and allegations against them are that they caused construction to be undertaken near high voltage electricity line and while son of the complainant was working on such construction, he suffered electrocution and died. It is the case of the prosecution that there are documents on record to show that the electric supply company had sent a letter

to the applicant asking him not to undertake construction in proximity to the electricity supply line. That despite such communication the aforesaid act was undertaken by the applicant and co-accused, leading to death of the victim.

3. Co-accused i.e. the wife of the accused was released on temporary bail on 30/04/2019. It is the case of the applicant that his custody is not required in the present case and that he is ready to co-operate with the investigation.

4. The learned APP points out that the material on record does indicate that the applicant undertook such construction work despite being warned by the electric company not to do so and that the incident took place due to the aforesaid action of the applicant herein, pointing that it is a serious offence and the application deserves to be rejected.

5. Having heard the learned counsel for the parties and having perused the material on record, it appears that the unfortunate incident occurred on 12/04/2019, in which the victim suffered electrocution and died. The material on record does show that the applicant decided to go ahead with the construction despite being warned by the electric supply company and, therefore, such action on his part did contribute to the aforesaid incident leading to death of the son of the

complainant. But, at the same time, if the applicant is ready to co-operate with the investigation, he could be released on conditional bail. Accordingly, present application is allowed on following conditions.

(a) Applicant shall furnish PR bond of Rs.50,000/- and surety in like amount.

(b) Applicant shall report to Police Station Gadge Nagar, Amravati City once in a week i.e. on Sunday between 10.00 a.m. to 5.00 p.m. till filing of chargesheet.

(c) The applicant shall co-operate with the investigation.

(d) The applicant will not tamper with the evidence or influence the witnesses.

6. In so far as applicant No.2 is concerned, she was directed to be released on temporary bail by order dated 30th April, 2019, passed by this Court. In view of the observations made above, in so far as the applicant No.2 is concerned, the present application is allowed and she is directed to be released on bail on the same conditions that were imposed while releasing her on temporary bail by order dated 30/04/2019.

7. The application is allowed in above terms.

JUDGE