

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

CRIMINAL APPLICATION (BA) NO. 410 OF 2020

(Rajesh s/o Hemraj Sonwane & Anr. vs. State of Maharashtra thr. PSO, PS Gangazari,
District - Gondia)

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

Court's or Judge's orders.

Shri C.D. Thamke, Advocate for the applicants.
Shri V.A. Thakare, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Thamke, learned counsel for the applicants and Shri Thakare, learned APP for the non-applicant – State, through video conferencing.

The applicants are said to be arrested in Crime No. 80 of 2020 for the offence punishable under Sections 304, 201 read with Section 34 of the Indian Penal Code and Section 135 of the Electricity Act, registered at Police Station, Gangazhari, District – Gondia.

The case of the prosecution is that due to displaying live electric wire fencing to the agricultural field of the present applicants, the deceased died of electrocution and the present applicants came to be arrayed as the accused for the offence, as mentioned above.

I have perused the application, affidavit in reply and the charge sheet and also considered the submissions made on behalf of both sides.

At the outset, admittedly, the death of the deceased is not the outcome of any intention to cause death on the part of the present applicants. In order to save the standing crops, from wild animals, in their field, they being farmers, displayed live electric wire fencing. The punishment for the offence under Section 304, Part II of the Indian Penal Code would be up to 10 years or with fine or with both. The applicants being farmers with no intention or criminal antecedents, are in jail since 29.04.2020.

The investigation is completed and the charge sheet is also filed. Hence, no fruitful purpose would be served in further keeping them in jail. In the circumstances, I am inclined to release them on bail on the following terms and conditions.

Criminal Application is allowed. The applicants – Rajesh s/o Hemraj Sonwane & Narendra s/o Hemraj Sonwane, be released on bail on executing Personal bond of Rs. 15,000/- (Rs. Fifteen thousand only) each with one surety each in the like amount.

The applicants shall not tamper with the prosecution witnesses.

The applicants to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Criminal Application is disposed of accordingly.

JUDGE

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