

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1154 OF 2021

Navnath s/o Gopinath Garje ... **Applicant**
Age 52 years, Occu: Agri.
R/o Padali, Tq. Pathardi,
District Ahmednagar

VERSUS

The State of Maharashtra, ... **Respondent**
Through its Investigating Officer
Pathardi Police Station,
District Ahmednagar

Mr. N. B. Narwade, Advocate for the applicant,
Mr. S. B. Narwade, A.P.P. for the State.

CORAM : PRAKASH D. NAIK, J.

DATE : 14th October, 2021

ORDER:

1. This is an application for anticipatory bail in connection with C.R. No. 0639/2021 registered with Pathardi Police Station District Ahmednagar for the offences punishable under Sections 304 of the Indian Penal Code. The First Information Report (for short "FIR") was lodged on 24th August, 2021.

2. The case of prosecution is that on 23rd August, 2021, nephew of the complainant gave a call and informed him that complainant's father died due to electric current. The complainant then visited the spot and it was noticed that Khadya Ramu Chavan was lying in unconscious state on the boundary of the agricultural field. On

22.08.2021, the victim had left the residence at about 4.00 p.m. and did not return home; hence, search was carried out. It was further noticed that the applicant accused had put up boundary line with wire fence containing electric wire to prevent animals such as boar from entering into crop and causing damage to the crop. Victim had died due to shock on touching to the said live wire. Hence, the applicant was responsible for the death of the victim.

3. Learned Counsel for the applicant submits that the applicant had no intention to cause death of the victim nor he had any knowledge that the victim would visit the said place and due to electric current death would be caused. Custodial interrogation of the applicant is not necessary. Prior permission for installation of fence with electric wire was obtained. Hence, the anticipatory bail may be granted to the applicant. Permission for installing such fence was obtained.

4. Learned A.P.P. submitted that offence is of serious nature. He further submitted that death of victim was caused on account of electric current. The applicant was responsible for the death of the victim. The applicant had knowledge that in the event any person touches live electric wire, it would result in casualty. Although live wire was installed to prevent animals, the applicant ought to have thought that it may also cause harm to any person.

5. I have perused the FIR and the investigation papers.

6. It is not disputed that the fence was erected at the agricultural field of the applicant. The fence contains live electric wire with high voltage electric current. The victim had touched the live electric wire and as a result of which he died instantaneously. On account of effect of electric current body was burnt. Prima facie knowledge cannot be denied of likelihood of such casualty. Permission if any has not been produced. Even otherwise erecting fence of live electric wire itself is dangerous and may cause harm to anybody. Even subjecting animals to such treatment is cruel act.

7. In view of above, no case is made out for grant of anticipatory bail.

8. Application stands rejected.

9. At this stage, learned counsel for the applicant submits that interim protection granted by this Court vide order dated 30th September, 2021 may be extended by a period of two weeks to enable the applicant to approach higher Court. Learned APP opposes the prayer for extension of interim relief. Considering the submission of the learned counsel for the applicant, interim relief granted by this Court is extended by a period of two weeks from the date of uploading this order.

(PRAKASH D. NAIK, J.)

JPC