

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

Criminal Application (ABA) No.366/2021

Balkrushna Potavi and others V State of Maharashtra

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri Subodh Kadam, Adv for applicants.
 Shri A.M. Kadukar, APP for State.

CORAM : S.M. MODAK, J.

DATE : 06th JULY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Kadam for the applicants and learned APP Shri Kadukar for the State.

3. The applicants in this application along with four others have put in wire on live electric wire and it is for the purpose of killing of wild animals. Instead, human being Vikas Potavi expired due to electric current. This happened on 01-10-2020 in between 6.30 pm to 7.00 pm at Salaitola Shivar in the revenue taluka of Gadchiroli. As a result, Police of Gadchiroli Police Station registered an offence on the complaint of Devaji Gaju Potavi, father of the deceased. Police registered an offence under Sections 304, 338 and 201 r/w Section 34 of the Indian Penal Code against the eight persons including these applicants.

4. Their Anticipatory Bail Application was rejected by the Sessions Court, Gadchiroli, This Court granted them ad-interim protection as per the order dated 24-06-2021. I have heard both the sides on the point of confirmation of the said order.

5. The learned APP took me through the contents of reply and specifically paragraph 4 therein. Three accused persons by name Wasudeo (in this application he is applicant no.2), Sudhakar and Shamrao dropped the deceased near the culvert in order to destroy the evidence. He claims that these applicants were absconding after the incident.

6. This incident does not persuade me to vacate the ad-interim protection. It may be true that all the accused were involved in putting a wire on live electric wire. It may also be true that the wire which is used for passing of a current was held by the deceased and his cousin brother Balkrushna Potavi. It may also be true that accused-Shamrao Gadwe put the wire on the live wire and that is how the electric current passed and entered into the body of the deceased. As a result, he expired so also his cousin brother Balkrushna Potavi got injured. However, this is not the case wherein the Police want to recover any weapon and custodial interrogation is otherwise required. So, the case for confirmation is made out. Hence, the

following order is passed :-

ORDER

- (a) The order dated 24-06-2021, thereby granting ad-interim protection, is confirmed.
- (b) The applicants to attend the Gadchiroli Police Station on every Friday from 10.00 am to 12.00 noon and as and when required by the Police till filing of chargesheet.

7. Application is disposed of.

8. As the main application is disposed of finally, Criminal Application (APPP) No.975/2021 has become infructuous. Hence, it is disposed of as infructuous.

JUDGE

Deshmukh