

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

CRIMINAL APPLICATION (ABA) NO. 611/2021

(Ahmed Raza S/o Mohammad Mukhtar Ahmed Vs. 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 Yusuf Jameel Sheikh, Advocate for applicant.
Shri S. D. Sirpurkar, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : 06.10.2021

Heard.

2. The applicant was working as an Assistant Lineman with the MSEDCL. It is the prosecution case that while the applicant was on his duty, he called the deceased, a private electrician and asked him to work on Electric D.P. The applicant has not provided him a safety measures. While deceased was working on Electric D.P., due to electric shock, he sustained burn injury, to which he succumbed.

3. The applicant claimed bail by stating that regularly he was taking assistance of deceased who was qualified electrician. The applicant

neither intended to cause death nor it was within his knowledge that death would be the consequence of said act. Precisely, it is submitted that it is purely a case of negligence which may attract the provisions of Section 304-A of the Indian Penal Code.

4. The State resisted bail by filing reply-affidavit. It is contended that the deceased was not the employee of MSEDCL. The applicant has unauthorizedly engaged the deceased to work on Electric D.P. without providing safety measures. Considering seriousness of the offence, bail is prayed to be rejected.

5. So far as the factual aspect is concerned, there is no much dispute. The applicant has produced a copy of certificate showing that deceased was qualified electrician. Moreover, apprenticeship certificate of deceased is produced to show that he worked with the MSEDCL for considerable period. It is submitted that the applicant has merely asked deceased to

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help in his work. *Prima facie*, there appears to be substance in the contention that the applicant neither intended nor having knowledge regarding consequence of act. Nothing is to be seized at the instance of the applicant. The applicant can be directed to join the course of investigation. Having regard to the nature of accusation, the applicant's liberty can be protected by imposing certain conditions. In view of that, following order:-

(I) Application stands allowed and disposed of.

(II) Ad-interim order dated 15.09.2021 is hereby made absolute on same terms and conditions.

(III) The applicant shall continue to attend the concerned Police Station till filing of charge-sheet or for a period of 90 days whichever is earlier.

JUDGE

Gohane.