

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

CRIMINAL APPLICATION (ABA) NO.775 OF 2020

(Naresh Devidasji Gadge and another Vs. State of Maharashtra thr. PSO PS Arvi, Dist.
Wardha)

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

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for Applicants.
Mr. S.S. Doifode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 19th JANUARY, 2021.

The applicants are apprehending arrest in Crime 530/2020 registered with Police Station Arvi, District Wardha for offence punishable under sections 304, 308 read with section 34 of the Indian Penal Code and section 135 of the Indian Electricity Act.

2. The applicants, along with co-accused Ravi Gadge were/are engaged in manufacture of bricks.

3. Mr. Dattu Sidam, a worker, unfortunately died and two workers injured, due to electrocution.

4. The allegation is that not only was the manufacturing unit illegal, the applicants were committing theft of electricity by hooking an anchor on the supply line. The allegation is that there was no electricity supply applied

for or granted by the distribution company.

5. Considering the nature of the accusations, *prima facie* the applicants are not only grossly negligent, there is material to indicate that they are culpably negligent and are responsible for the death of the worker and the injury suffered by others. The learned APP Mr. Doifode points out that applicant 1 Naresh is a history-sheeter with as many as twenty-nine offences registered and applicant 2 is facing as many as four prosecutions.

6. Even *de hors*, the adverse antecedents, an opportunity shall have to be given to the Investigating Agency to custodially interrogate the applicants in order to establish the links.

7. The application is dismissed.

JUDGE