

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

CRIMINAL APPLICATION (APPP) No.1821/2021
IN
CRIMINAL APPLICATION (ABA) NO.727/2021

Sau. Vimal Purushottam Rathod,

-VERSUS-

State of Maharashtra through Police Station Officer, Police Station Wadgaon (Forest), Tq. And
Distt. Yavatmal.

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

Court's or Judge's Orders

Shri R.D. Karode, Advocate for applicant.
Shri S.M. Ghodeswar, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : NOVEMBER 26, 2021.

Heard.

2. This is an application seeking pre-arrest protection in Crime No.197 of 2021 registered with Police Station Wadgaon (Forest), District Yavatmal for the offence punishable under Section 304 of the Indian Penal Code. Bail is claimed on the ground of innocence, false implication inadequacy of evidence and applicant's old age. The State strongly resisted bail by filing reply-affidavit. The contents of First Information Report are narrated along with seriousness of offence.

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3. At the instance of report lodged by Gajanan Rathod, crime was registered. On 29/08/2021 old aged father of informant Gajanan namely Baliram went to their agricultural field but did not return till late evening. The informant and other family members went in search of their father and found that their father Baliram was stuck to the barbed wire fencing erected by applicant surrounding her adjacent field. It was noticed that live electric current was flowing through barbed wire, due to which the informant's father died on the spot due to electric shock.

4. Perusal of case diary indicates that the applicant was cultivating a piece of land owned by a trust. Some of the statements indicate that they have seen the applicant in the morning with electric wires. No sign board was affixed towards cautioning to the member of public about expected danger. From the very act of putting live current in wire fencing itself conveys conscious knowledge about its fatal consequences to human life. An innocent man has lost his life for no fault. The matter requires thorough investigation from all possible angles. Having regard to

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the seriousness of crime, it is not a fit case to grant pre-arrest protection, hence the applications stands rejected.

JUDGE

R.S. Sahare