

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

BAIL APPLICATION NO.1200 OF 2022

Balu s/o. Sandu Chelekar

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.N.D.Sonavane, Advocate for applicant
Mr.V.S.Badakh, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 18, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0183 of 2022 registered with Vaijapur Police Station, Dist.Aurangabad.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by the widow of the deceased. The applicant had obtained electricity supply for his bore-well in his agricultural field. The electricity supply overhead wire was passing over the lands of the informant and that of the applicant. Said wire had become loose. A passing bullock-cart hit the electricity pole, as a

result of which, the overhead live electricity wire came down. A bullock came in contact with the live electricity wire and got electrocuted. The husband of the informant rushed. He touched the wire. He too got electrocuted. His brother came to rescue. He too died as a result of the electrocution. The FIR, therefore, came to be registered against the applicant herein.

4. Learned counsel for the applicant would submit that it would, at the most, be a case of negligence on the part of the applicant. He has been behind the bars since 23.07.2022. Investigation is almost over. He, therefore, urged for grant of bail to the applicant.

5. Learned APP would submit that two persons and a bullock lost their lives in the incident. Investigation of the crime is under way. He, therefore, urged for rejection of the application.

6. Perused the FIR and the related papers of investigation so far made. The facts indicate that due to the dash of the bullock cart to the electric pole, overhead live electricity wire fell down. The deceased came in contact thereof and died. Considering the nature of the offence, the applicant deserves to be granted bail.

7. In view of the above, the Court is inclined to grant the applicant bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0183 of 2022 registered with Vaijapur Police Station, Dist.Aurangabad, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP