

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

CRIMINAL APPLICATION (ABA) NO.858 OF 2022

(DHIRAJ ASHOK BODILE...VS.. STATE OF MAH. THR. PSO PS PULGAON, DIST. WARDHA)

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

Court's or Judge's orders

Shri R.M.Daga, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 14, 2022.

1. Heard.
2. The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No.1056 of 2022, registered with Police Station, Pulgaon, District: Wardha for the offence punishable under Section 304 of the Indian Penal Code.
3. As per the prosecution story the deceased while spraying insecticides in the field of the applicant, came in contact with the live electric wire led by the applicant and because of the electrocution he died. It is the case of the applicant that to prevent animals from entering into the agricultural field and to prevent damages to the standing crop, the said live electric wire was led.
4. In the circumstances, it is evident that there was no intention of the applicant to cause death to the deceased. *Prima facie*, it is an accident. Hence, the

custodial interrogation is not required. In that view of the matter, though the learned A.P.P. is opposing the present application, the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- i) Criminal application is allowed;
- ii) It is directed that in the event of arrest of the applicant in connection with Crime No.1056 of 2022, registered with Police Station, Pulgaon, District: Wardha for the offence punishable under Section 304 of the Indian Penal Code the applicant shall be released on bail on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station as and when his presence is required.
- iv) The applicant shall not tamper with the prosecution evidence.

The Criminal Application is **disposed of** accordingly.