

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

CRIMINAL APPLICATION (ABA) NO.418 OF 2023

(Dipak s/o Arun Kodape and anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.S. Ambatkar, Advocate for the applicants.
Shri S.M. Ghodeswar, APP for State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 02, 2023.

Heard.

2. By this application, applicant No.1 – Dipak s/o Arun Kodape is seeking anticipatory bail in connection with Crime No.129/2023 registered at police station Gondpipari, District Chandrapur for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code.

3. As applicant No.2 is already arrested during the pendency of this application, the application is disposed of as far as applicant No.2 is concerned.

4. The applicant No.1 is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Baburao Raoji Umbarkar on an allegation that when the deceased Vijay Umaji Umbarkar and both applicants went to Wardha river for fetching fishes by electric current method, at that time, Vijay Umbarkar died due to electric current.

5. On getting this information from Vinod Rohankar the complainant approached to the Police Patil and informed about the alleged incident. Thereafter said incident was informed to the police and crime is registered against the present applicants.

6. As per the contention of the present applicant No.1 that he is falsely implicated in the alleged offence. Now, the incriminating articles are already seized. Physical custody of the present applicant No.1 is not required.

7. Learned Additional Public Prosecutor strongly opposed the application on the ground that one person has lost his life in the alleged incident. The physical custody of the present applicant is required and prays for rejection of the application.

8. Having heard learned Counsel for the applicants and learned Additional Public Prosecutor for the State. Perused the investigation papers from which it reveals that the incriminating articles i.e. the Cord which was used for fetching the fish is already seized by the police. As far as the interrogation is concerned, some conditions can be imposed on the present applicant No.1. Hence, physical custody is not required. In view of that the interim protection granted to the present applicant No.1 deserves to be confirmed. Accordingly, I proceed to pass the following order :

(i) Applicant No.1 – Dipak s/o Arun Kodape in the event of arrest in Crime No.129/2023 registered at police station Gondpipari, District Chandrapur for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code, be released on interim anticipatory bail on executing PR. Bond in the sum of 25,000/- (Rs. Twenty five thousand) with one surety in the like amount.

(ii) Applicant No.1 shall attend the concerned police station as and when required for the investigation purpose.

(iii) Applicant No.1 shall furnish his cell phone number and address along with address proof.

(iv) Applicant No.1 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper the prosecution evidence.

9. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)