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55.A..ba.1048 &1049.2023

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

CRIMINAL APPLICATION (BA) NO.1048 OF 2023

Vicky Purushottam Kamble

Vs.

State of Maharashtra through Police Station Officer, Police Station, Ner,
District Yavatmal

AND

CRIMINAL APPLICATION (BA) NO.1049 OF 2023

Bhushan s/o Anil Vir

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Ner, District
Yavatmal

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

Court's or Judge's orders

Mr. V. V. Dahat, Advocate for applicant in BA No.1048/2023.
Mr. S. B. Gandhe, Advocate for applicant in BA No.1049/2023.
Mr. V. A. Thakare, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 04/12/2023

1. Criminal Application (BA) No.1048/2023 is not on board. Taken on board.
2. By these applications, the applicants are seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.829/2023, registered with Police Station, Ner, District Yavatmal for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code. The applicants are arrested on 13.10.2023.
3. Learned Counsel Mr. Dahat and learned Counsel Mr. Gandhe for the applicants submitted that the applicants are serving as a 'Technician' on contract basis

and currently posted at Shirasgaon Sub Station 33/11 KV. The co-accused Gajanan Ramakant Chakkarwar was Senior Technician. On 13.10.2023 a report is lodged by one Mr. Digambar Narayan Raut that his nephew was working with the Maharashtra State Electricity Distribution Company Limited on contract basis. He was sent for repairing the mainline of the electricity line of 11 KV. While working at the said place due to the electrocution, he died on the spot. It is alleged that the co-accused has switched on the supply of the mainline, due to which, the deceased succumbed to the death. As per the allegation, due to the negligence of the co-accused and the present applicants death of the deceased is caused.

4. Learned APP strongly opposed the application on the ground that all these applicants are responsible for the death of the deceased, as they were aware about the fact that the deceased was sent for repairing the mainline and they started the supply of electricity. Thus, there is an intentional act on the part of the present applicants. Investigation is still in progress and prays for rejection of the application.

5. Having heard learned Counsels for the applicants and learned APP for the State. Perused the recitals of the FIR. The another co-accused is already released on bail. From the recitals of the FIR, it appears that when the deceased was working at the agricultural field and doing the work of repairing mainline, he died

due to the electric shock. As far as the investigation part is concerned, nothing is to be recovered from the present applicant. As far as the interrogation part is concerned, their further custody is not required. In view of that, applications deserve to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) Both applications are allowed.
- (ii) The applicant in Criminal Application (BA) No.1048/2023 namely, **Vicky Purushottam Kamble** and the applicant in Criminal Application (BA) No.1049/2023 namely, **Bhushan s/o Anil Vir** be released on bail in connection with Crime No.829/2023 registered with Police Station, Ner, District Yavatmal for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- (iii) The applicants shall not induce, tamper or promise any witnesses who are connected with the alleged crime.
- (iv) The applicants shall furnish their cell phone numbers and address with the address proof.

(URMILA JOSHI-PHALKE, J.)