



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

CRIMINAL APPLICATION (ABA) NO.754 OF 2023
(Shafiullahkha Amanullakha Vs. 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

Mr. S. Sheikh, Advocate for the applicant.
Mr. N. Joshi, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 20, 2023.

Heard.

2. By this application, the applicant is seeking anticipatory bail in connection with Crime No.173/2023 registered with police station Rahimapur, Taluka Anjangaon Surji, District Amravati for offence punishable under Section 304 of the Indian Penal Code.

3. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Sanjay Tryambakrao Belsare on allegations that deceased Ankur died due to electric shock as the applicant erected a cable wire on his fencing. At the relevant time, the deceased was feeding his cattle and came into contact with the fencing and died on the spot.

4. Learned counsel for the applicant submitted that the applicant is already protected by granting ad-interim protection and he has cooperated with the investigating agency. Now, his physical custody is not required and nothing is to be recovered from him.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that due to negligent act on the part of the applicant one person has lost his life and prays for rejection of the application.

6. Having heard learned counsel for parties and perused investigation papers, it reveals that the cable wire, which is incriminating article, is already seized by the police. Physical custody of the present applicant is not required. In view of that interim protection granted to the present applicant deserves to be confirmed on imposing certain conditions :

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Shafiullahkha Amanullakha in connection with Crime No.173/2023 registered with police station Rahimapur, Taluka Anjangaon Surji, District Amravati for offence punishable under Section 304 of the Indian Penal Code, be released on anticipatory bail on executing a P.R.Bond in the sum of Rs.20,000/- with one solvent surety of the like amount.

(iii) The applicant shall attend the concerned police station as and when his presence is required by the investigating officer and shall cooperate with the investigation.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*