



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

ANTICIPATORY BAIL APPLICATION NO. 544 OF 2024

RAMA PANDURANG KHATING

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Vaibhav U. Pawar, Advocate for Applicant

Ms. S.S. Joshi, APP for Respondents/State

Mr. Prakash Gaikwad, Advocate for Informant

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 16th APRIL, 2024

PER COURT :

1. Applicant apprehends arrest in C.R. No.44/2024, registered with Tadkalas Police Station, Dist. Parbhani, for offence punishable under Section 304(2) of the Indian Penal Code.

2. FIR is lodged by Hanuman Pandhrinath Jawanjal alleging that he and his two brothers had taken agricultural land bearing Gut No.121 owned by Santosh Pandurang Khating, resident of Zadgaon, on crop sharing basis, since last two years. Abutting to Gut No.121, there is agricultural land of brother of Santosh namely Rama Pandurang Khating (applicant). On 11/02/2024, at about 08:00 a.m. informant and his wife Chandrakala went to change the sprinkler in the field Gut No.121. They changed the same, thereafter his wife went to applicant's field for collecting leaves of *Bael* tree. However, she did not return for considerable time, therefore, informant went in search of her. He found her dead due to the shock of live electric

fencing, installed by applicant to prevent wild animals from damaging the crop.

3. Heard learned advocate for applicant, learned APP for respondents/State and learned advocate for informant. Perused the investigation papers.

4. FIR is registered on 04/03/2024. It appears from the narration in FIR that illegal electricity connection is taken by applicant to provide electricity to the fencing and due to the shock received from said fencing informant's wife has died.

5. Learned advocate for applicant submits that there was no intention of applicant to cause death of wife of informant and the electric fencing was erected for preventing wild animals from damaging crop. It appears that live current was there in the electric fencing even during the day time. Usually agriculturists provide live current to the fencing during night time.

6. Papers of investigation reveal that investigation is almost complete and nothing is to be recovered from applicant. Therefore, pre-trial custodial detention of applicant is not necessary in the facts of the present case.

7. Learned APP and learned advocate for informant strenuously opposed the application contending that, if released on

bail, applicant may tamper the prosecution evidence. Applicant is resident of village Zadgaon, Tq. and Dist. Parbhani and informant is resident of Paralgavhan, Tq. and Dist. Parbhani. It is informed that distance between two villages is approximately 05 to 06 Kms.

8. In the result, application is allowed.

9. In the event of arrest of applicant in connection with C.R. No.44/2024, registered with Tadkalas Police Station, Dist. Parbhani, for offence punishable under Section 304(2) of the Indian Penal Code, applicant be released on executing Personal Bond and Surety Bond of Rs.15,000/-, with one surety in the like amount.

10. Applicant shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicant shall not, in any manner, try to contact or influence the prosecution witness and shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)