



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

943 ANTICIPATORY BAIL APPLICATION NO. 670 OF 2024

1. Anil Mahadeo Rathod
2. Surekha Anil Rathod

..APPLICANTS

-VERSUS-

. State of Maharashtra and others.

..RESPONDENTS

Advocate for Applicants : Mr.S.A. Patel
APP for Respondent/State: Mr.S.B. Narwade
Advocate for assist to P.P. : Mr.G.L. Deshpande

...
CORAM : **SHIVKUMAR DIGE, J.**

DATE : 20th August, 2024.

P.C.:

1. The applicants apprehend arrest in connection with FIR No.154 of 2024 registered with Tuljapur Police Station, Tq. Tuljapur, Dist.Osmanabad, for the offences punishable under sections 304 read with 34 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 31st March, 2024, informant's son died due to electrocution. It is alleged that the electric connection taken illegally by the applicants and it was attached to the heater of the applicants. The informant's son while playing in the house of applicants touched that heater and got electric shock and due to electric shock, he died. It is alleged that due to negligence of the applicants, the said incident happened.
3. It is contention of the learned counsel for the applicants that the

applicants' son has also got electric shock in the said incident. It was accidental incident. The applicants had no role in the said incident. There is 8 days delay in lodging the F.I.R. Investigation is almost completed. The applicants have cooperated the Investigating Authority. Considering the allegations against the applicants, their custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP along with learned counsel for assisting P.P. that the applicants had taken the said electric connection illegally and it was attached to the heater. While playing the informant's son touched the said heater. The applicants did not take immediate steps to switch off the said electric connection. Due to sheer negligence of the applicants, the incident had happened. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. There is 8 days delay in lodging the F.I.R. It appears from the police papers that the applicants' son, his friend Atharv along with son of the informant were got electric shock. Whether, the applicants were negligent for the said incident is a part of trial. Evidence is required for it. Considering the allegations against the applicants, their custodial interrogation is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest of the applicants in connection with FIR No.154 of 2024 registered with Tuljapur Police Station, Tq. Tuljapur, Dist. Osmanabad, for the offences punishable under sections 304 read with 34 of the Indian Penal Code, the applicants be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-
 - (a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]*sga*