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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1893 OF 2023

Nitin Ganpat Kottapeliwar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. Ganesh P. Shinde, Advocate for the applicant
Mr. R. B. Dhaware, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st MARCH, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.67 of 2023 registered with Mandvi Police Station, District - Nanded for offence punishable under section 304 of the Indian Penal Code.
2. Jyotsna Rohidas Chavan lodged FIR on 10th July, 2023 alleging that on 10th July, 2024 at about 8.00 a.m. Nitin (applicant) had been to their house and asked her husband Rohidas to accompany him for some work. Her husband and applicant went to Gairan land near DP of MSEB at village Both. After some time there was loud sound of DP and lights went off immediately. Informant learnt that her husband sustained electric shock at the DP and hence she went to the spot and found that her husband was lying on the ground. Applicant was standing

near Rohidas and was speaking on his phone. Her husband was taken to Mandvi Hospital, where doctors declared him dead.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. On going through the papers of investigation, *prima facie*, there does not appear any material connecting applicant to the present crime. Since involvement of applicant is not made out from the papers of investigation and as nothing is to be recovered from applicant, custodial interrogation of applicant is not necessary. FIR is lodged after one month of the alleged incident. Applicant is a government servant and he is not likely to flee from justice. Applicant was granted interim protection and he has attended the concerned police station and co-operated in the investigation. Application is, therefore, allowed by confirming the interim protection granted to applicant. Till filing of the charge sheet, applicant to attend the concerned police station as and when called by the Investigating Officer. Applicant shall not tamper prosecution evidence.

**[NITIN B. SURYAWANSHI]
JUDGE**