

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1329 OF 2024

(This order is corrected as per speaking to the minutes of the order dated 01st July, 2024)
Anil Ashok Pawar ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

- Mr. Dipak S. Shinde, for Applicant.
- Mr. Tanveer Khan, APP for State.
- Mr. Ganesh M. Avaghate, P.C., Phaltan City Police Station, District Satara.

CORAM : MANISH PITALE, J.

DATE : 14th JUNE, 2024.

P. C. :

1. Heard learned counsel for the Applicant and the learned APP for the State.
2. By this application on 31st May, 2024, the Vacation Court (*Coram : Kishore C. Sant, J.*) granted interim protection from the arrest to the applicant while issuing notice.
3. The applicant is the sole accused person in First Information Report (FIR) filed on 20th February, 2024, in connection with incident that took place on 25th November, 2023, for an offence under Section 304 of the Indian Penal Code (IPC).
4. The allegation against the applicant is that in an under

SHRIKANT
SHRINIVAS
MALANI

Digitally signed
by SHRIKANT
SHRINIVAS
MALANI
Date: 2024.07.01
18:57:39 +0530

construction house, which was in the name of his father, the applicant told the deceased and his fellow workers, who had come for construction work on the plot that the electricity supply was disconnected and that they could undertake the work.

5. It appears that the electricity supply was not disconnected, as a consequence of which, the victim was electrocuted and he died. The incident occurred on 25th November, 2023 and eventually the FIR was registered on 20th February, 2024. There is delay of about three months in registration of the FIR.

6. The learned counsel for the applicant submits that in the facts and circumstances of the present case, it cannot be said that the applicant intentionally caused the death of the victim and since the applicant is already granted interim protection and he appeared before the police station once, this Court may consider confirming the interim protection granted by this Court.

7. On the other hand, the learned APP submitted that the offence is of serious of nature and Part II of Section 304 of the IPC can be invoked, as it was within the knowledge of the applicant that the electricity supply to the said plot had not been disconnected. On this basis, it was submitted that this Court may reject the present application.

8. The allegation against the applicant, even if accepted indicates that he projected as if electricity supply to the plot in question had been disconnected, while the electricity supply was still available, as a result of which the incident occurred. It would be farfetched to claim that the applicant intentionally made a false statement to the victim and his co-workers in order to cause the death of the victim. At best, knowledge could be attributed and that too is a matter of trial and proof with cogent evidence.

9. It is not as if the applicant is a flight risk or a person who would not cooperate with the investigation. In fact, after the interim protection was granted by this Court by order dated 31st May, 2024, the applicant has appeared before the police on one occasion. He undertakes to continue to cooperate with the investigation. It is to be noted that the FIR has been registered about three months after the incident.

10. In view of the above, the applicant has made out the case for confirming the interim order passed in his favour.

11. In view of the above, the application is allowed in the following terms :

- (A) In the event of arrest the applicant shall be released on bail in connection with FIR No.0097 of 2024, registered at Police Station Phaltan Police Station, Satara, on furnishing PR bond of Rs.15,000/- and surety in the like amount to

the satisfaction of the Trial Court.

- (B) The applicant shall appear before the investigating officer on 20th June, 2024 and thereafter as and when called by the investigating officer. He shall cooperate with the investigation.
- (C) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.
- (D) The applicant shall cooperate with the proceedings in the Trial Court and he shall remain present before the Trial Court on each and every date, except when specifically exempted by the Trial Court.

12. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

13. It is made clear that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant and that the Trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

14. The application is disposed of.

(MANISH PITALE, J.)