



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.23 OF 2024

Uttam Dhanu Rathod

Vs.

State of Maharashtra, Through Police Station Officer, Arni,
District Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. P. Modak, Advocate h/f Mr. A. A. Zade, Advocate for applicant.
Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2024

1. Apprehending the arrest at the hands of police, the present applicant is seeking pre-arrest bail in connection with Crime No.686/2023 registered with Police Station Arni, Tahsil Arni, District Yavatmal for offence punishable under Section 304 read with Section 34 of the Indian Penal Code.

2. As per the allegations made by the informant is that his brother namely Giridhari Parasram Jadhao succumbed to the death due to the electric shock when he had been to graze his cattle by coming into contact of fencing wherein the electric current was installed. It is submitted by the learned Counsel for the applicant that the said current was installed with intention to protect the crop from cattle. There was no intention to cause the death of any human being. The deceased came into

contact with the said fencing and succumbed to the death. The Investigating Officer has already seized the incriminating article electric wire and physical custody of the present applicant is not required.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that the death of the deceased is caused due to the electric shock, but he fairly submitted that the applicant has cooperated with the investigating agency.

4. Having heard learned Counsel for the parties. Admittedly, the incriminating article is already seized and the relevant statements are also recorded by the police. Now, the custodial interrogation of the present applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant **Uttam Dhanu Rathod** in connection with Crime No.686/2023 registered with Police Station Arni, Tahsil Arni, District Yavatmal for offence punishable under Section 304 read with Section 34 of the Indian Penal Code, be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall furnish his cell phone number and address with the address proof.

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

(URMILA JOSHI-PHALKE, J.)