



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

CRIMINAL APPLICATION (ABA) NO. 596 OF 2024

Dhondiba s/o Dattatrao Bondhare Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. V.R.Thote, counsel for the applicant.

Mr. A.J. Gohokar, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/09/2024.

1. Present application is preferred for grant of anticipatory bail in connection with Crime No.439/2024 registered with police station Bitargaon, Tq. Umarkhed, District Yavatmal for the offence punishable under Section 304 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of a report lodged by Dharmpal Gangadhar Gavale alleging that on 22/07/2024 he, along with his wife and son were proceeding to their field, at the relevant time, his son Sumedh suddenly received an electric shock, which caused the death. It is alleged that the applicant laid down the electric wire in his field for protection from wild animals, and it was kept in a negligent manner, due to which the deceased has received the electric shock and died instantaneously.

3. Learned counsel for the applicant submitted that as far as the custodial interrogation of the applicant is concerned, which is not required. The incriminating article wire is already seized by the investigating agency. In view of that, interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that the electric wire was hidden by the applicant immediately, though it was seized, but his custodial interrogation is required.

5. After hearing learned counsel for the applicant and learned APP for the State, considering that there was no intention but that electric current was in the field, only to protect the crop from the wild animals, and therefore, the custodial interrogation of the applicant is not required. In view of that, present application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- a] Interim protection granted to the present applicant by order dated 16/08/2024 is hereby confirmed with further modification that, applicant shall attend the concerned police station as and when required for investigation purpose and shall cooperate with the investigating agency.

- b] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]