



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

CRIMINAL APPLICATION (ABA) NO. 730/2023

Vijay s/o Pandu Rathod and another 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. P.P. Kotwal, counsel for the applicants.

Mr. N.H.Joshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 18/01/2024.

1. The present application is filed by the applicants for grant of anticipatory bail, in the event of their arrest, in connection with Crime No.686/2023 registered with Police Station Arni, District Yavatmal, for the offence punishable under Section 304 read with Section 34 of the Indian Penal Code.

2. The accusations against the present applicants are that the agricultural field of the complainant is near the field of applicant one Uttam Rathod was cultivating the field of Madhukar Rathod on rent. The accused Uttam had cultivated the crops in his field and to protect the crops from animals, he covered the field by fencing with live electric current. On 25/4/2023 at about 4.00 p.m. in the evening, the younger brother of the complainant went to bring the bullocks, who had left there for grazing. At that time, he came into contact with the said electric current and died on the spot, on the basis of said report, the police have registered the crime against the present applicant.

3. It is submitted by the learned counsel for the applicants that now, the investigating agency has already collected the relevant incriminating material and seized the same. The custodial interrogation of the applicants is not required. In fact, the cause of death of the deceased is not due to the electric shock but some other reasons. As custodial interrogation is not required, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the present application on the ground that due to the act of the present applicant, the death of the deceased is caused. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicants and learned APP for the State. There is no dispute as to the fact that the electric current was on fencing, only to preserve the crop from the cattle and there was no intention to cause the death of any person. During the investigation, the investigating officer has already collected the incriminating article i.e. electric wire, etc., The custodial interrogation of the present applicant is not required. In view of that, interim protection granted by the applicants deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) The applicants are released on anticipatory bail, in the event of their arrest, in connection with Crime No. 686/23 registered under Section

304, read with Section 34 of the Indian Penal Code on executing P.R. bond of Rs. 25,000/- with one solvent surety in the like amount.

- c) The applicants shall attend the concerned Police Station as and when required for investigation purpose.
- d) The applicants shall furnish their cell phone number(s) with address with address proof.
- e) The applicants shall not induce, threat or promise to any witnesses who are acquainted with the facts of the case.
- f) The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]