



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

CRIMINAL APPLICATION (ABA) NO. 795 OF 2024

Anil Nanaji Kuchankar Vs The 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. Uttkarsh Hingmire, counsel h/f Mr. S.D. Dharaskar, counsel for applicant.
Ms. Shamshi Haider, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/12/2024.

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.366/2024 registered with Police Station Mukutban, District Yavatmal for the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by the informant, Ajit Vitthal Junghari, on an allegation that his father had been to the agricultural field, and when he was returning, he got the electric shock and died on the spot. On the basis of the said report, police have registered the crime against the present applicant, who is the agriculturist.

3. Learned counsel for the applicant submitted that as far as the intention of the applicant is concerned, nowhere it reveals that he had installed electric current on his fencing to protect his agricultural land from the wild animals. It is not the intention of the applicant to cause

death of any individual, but only to protect the agricultural land from the wild animals, electric current was installed on the fencing. In view of that, the custodial interrogation of the present applicant is not required, and therefore interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that even if there is no intention, knowledge can be attributable to the present applicant, in view of that, the application of the present applicant for grant of anticipatory deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the applicant has installed the electric current on the fencing only to protect the agricultural field from the wild animals. As far as the intention is concerned, admittedly nowhere reveals that intentionally the electric current was installed, but he was definitely having the knowledge about the same. At this stage, the applicant has made out a case for grant of anticipatory bail. In view of that, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] In the event of arrest, the applicant - **Anil Nanaji Kuchankar**, in connection with Crime No.366/2024 registered with Police Station Mukutban, District Yavatmal for the offence

punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c] The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case either personally or by way of electronic media.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]