



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

928 ANTICIPATORY BAIL APPLICATION NO. 1814 OF 2024

Habib Sardar Mulla & anotherApplicants

VERSUS

The State of Maharashtra & anotherRespondents

.....

Mr. H. I. Pathan, Advocate for Applicants.

Smt. K. R. Jamdhade, APP for the State.

WITH

ANTICIPATORY BAIL APPLICATION NO. 1921 OF 2024

Sadhau Alias Sadeo S/o Dhondiba
@ Dhondiram Mane & others Applicants

VERSUS

The State of Maharashtra & anotherRespondents

.....

Mr. V. D. Gunale, Advocate for Applicants.

Smt. K. R. Jamdhade, APP for the State.

CORAM : R. M. JOSHI, J.

DATE : 24th JANUARY, 2025.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 0292/2024 registered with Deoni Police Station, Dist. Latur, for the offences punishable under Sections 105 and 352 of Bharatiya Nyaya Sanhita.

2. First Information Report indicates that on 17.09.2024, applicants and others were cutting branches of the tree. While do so, a branch fell on the electricity wire. As a result of this, cement pole fell on the deceased. He sustained severe injuries on his head and he died.

3. Learned counsel for the applicants submits that even if allegations in the First Information Report are accepted to be true, nothing can be attributed to the applicants that they intended to kill the deceased. It is also submitted that no negligence also can be attributed to them in the said death.

4. Learned APP on the other hand argued that without seeking permission from the competent authority for felling tree, the said act was done. It is her contention that the applicants ought to have taken reasonable care to ensure that no one gets hurt by their act.

5. Prima facie perusal of the First Information Report indicates that there was no reason for the applicants to kill deceased.

Even if it is accepted that the informant did not seek permission for cutting of the tree, that by itself will not amount to an offence of murder. In any case, this Court finds substance in the contention of learned counsel for the applicants that though unfortunately deceased died, the said death is caused accidentally. Otherwise also custodial interrogation of the applicants is not necessary. Hence, applications are allowed in terms of interim order.

(R. M. JOSHI)
Judge

dyb