



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

CRIMINAL APPLICATION (BA) NO.445 OF 2025

Samir s/o Lakshman Bala

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Ashti,
District Gadchiroli

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

Court's or Judge's orders

Mr. Rajnish Vyas, Counsel for the applicant.
Ms. M. A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2025

1. Present application is preferred by the applicant for grant of bail in connection with Crime No.219/2024 registered with Police Station Ashti, District Gadchiroli for the offence punishable under Sections 105, 125(b), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and 135 of the Indian Electricity Act.

2. The crime is registered on the basis of report lodged by Bhagyashri Jagtap on an allegation that on 23.12.2024 at about 6.00 p.m. the nephew of the informant took the motorcycle of his father and went to the village but he did not return back. They searched everywhere. On 24.12.2024 at about 10.00 a.m. his dead body was found in the Vasantpur Forest and the reason for the death is that of electric

current. On the basis of the said report, police have initially registered Marg report. The Investigating Officer enquired the matter and found that the deceased Deepak went to the Vasantpur Forest along with Ankush Mistry and Deepak died due to the electric shock. The dead body was shifted to other place so also the electric wire is removed. On the basis of the said report, police have registered the crime against the present applicant. It is alleged that the present applicant and the other co-accused have concealed the evidence by dragging the dead body from the place where the incident has occurred and also concealed the electric wire. On the basis of the said allegations, the applicant is arraigned as an accused.

3. Heard learned Counsel for the applicant, who submitted that admittedly the deceased died due to the electric shock. The only allegation against the present applicant is that he has assisted the other co-accused to conceal the dead body as well as to conceal the electric wire which was used for the electric current at the forest. Now the investigation is already completed, charge-sheet is filed. Considering the nature of the allegation levelled against the present applicant for which maximum punishment is provided up to seven years. Moreover, the offence alleged against the present applicant is bailable one. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that considering the circumstances under which the alleged incident has taken place and the act of the present applicant, who not only concealed the dead body but concealed the electric wire which was found during the investigation and, therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that death of the deceased was due to the electric shock, but subsequently, the applicant and the other co-accused has concealed the dead body by dragging the same to the other place and also concealed the electric wire. Now the investigation is already completed, charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Samir s/o Lakshman Bala** shall be released on bail in connection with Crime No.219/2024 registered with Police Station Ashti, District Gadchiroli for the offence punishable under Sections 105, 125(b), 238 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and 135 of the Indian Electricity Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(v) The applicant shall not enter into the village Vasantpur till the culmination of the trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)