



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

CRIMINAL APPLICATION (ABA) NO. 580 OF 2025

Mr. Ishwar Fagoji Patre 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. R.R. Vyas, counsel for applicants.

Mrs. M.A.Barbde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/08/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 509 of 2025 registered with Police Station Mauda, Nagpur Rural for the offence punishable under Sections 105 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicants, who submitted that the applicants are the agriculturists, they have erected the fencing, and electric current was erected on the fencing to protect the crop from the wild animals. However, the deceased came into contact with the said electric fencing, and his death was caused. As far as the intention is concerned, there is no reason to cause the death of the deceased. It is merely an accident. As far as the custodial interrogation is concerned, which is not required, as the concerned electric cord is already seized by the investigating officer. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

3. Learned APP though strongly opposed for the same and submitted that the applicant had knowledge that death may be caused, but he has attended the concerned police station and cooperated with the investigating agency.

4. On hearing both sides and on perusal of the recitals of the FIR, it reveals that the deceased accidentally came into contact with the electric current, which caused his death. As far as custodial interrogation is concerned, which is not required, in view of that, application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
 - b] The interim protection granted to the present applicants by order dated 06/08/2025 is hereby confirmed, on the condition that they shall attend the concerned police station as and when required for the investigation purpose, on issuance of notice in advance of three days.
 - c] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
5. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]