



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO. 997 OF 2025

Vinod Laxman Madavi

Vs.

State of Maharashtra

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

Court's or Judge's orders.

Mr. S.V. Sirpurkar, Advocate for the Applicant.

Ms. Sneha Dhote, APP for the Non-applicant/State.

CORAM : RAJ D. WAKODE, J.

DATE : 26th DECEMBER, 2025.

Heard Mr. S.V. Sirpurkar, learned counsel for the applicant, and Ms. Sneha Dhote, learned APP for the non-applicant/State.

2. Apprehending arrest at the hands of Police in connection with Crime No.723/2025 registered with Police Station Wani, District Yavatmal, for the offences alleged under Sections 251 and 105 of the Bharatiya Nyaya Sanhita, 2023 (BNS), the applicant has approached this Court praying for grant of pre-arrest bail.

3. Mr. Sirpurkar, learned counsel for the applicant, contends that though the incident occurred on 20th April 2025, the offence came to be registered on 22nd November 2025, and therefore, there is an inordinate delay in registration of the FIR. He further submits that the informant in the present FIR is not the wife of the deceased Atul Bhaurao Kosarkar, but that the FIR has been registered at the behest of one Suyog Mahapure, Police Sub-Inspector.

4. Mr. Sirpurkar, learned counsel, upon reading the FIR, points out that on the date of the incident the applicant was present in his capacity as an employee of MSEB, and the allegation against the applicant is that, despite having knowledge that such a mishap could occur, he failed to take due care, as a result of which the deceased Atul Bhaurao Kosarkar, sustained injuries due to electrocution, leading to his death.

5. Mr. Sirpurkar, learned counsel, has relied upon the judgment of the Hon'ble Apex Court in the case of ***Yuvraj Laxmilal Kanther & Anr. Vs. State of Maharashtra (2025 SCC OnLine SC 520)*** to substantiate that the basic ingredients of Section 304 Part II of the IPC is presence of knowledge and absence of intention. The doer must have the knowledge that the act performed by him would likely to cause death but there should not be any intention to cause death.

6. Ms. Dhote, learned APP appearing for the non-applicant/State, has strongly opposed the application and has pointed out the relevant paragraphs of the order passed by the learned Sessions Court dated 18th December, 2025, rejecting the anticipatory bail application of the applicant. The learned Trial Court has observed that so far as the applicability of section is concerned, the intention and knowledge on the part of the applicant will be decided on the basis of evidence that will come on record.

7. After hearing the learned counsel for the parties and upon perusal of the recitals of the FIR, I am of the view that, at

this stage, custodial interrogation of the applicant is not required. A specific query was put to the learned APP as to whether there was any reason necessitating custodial interrogation of the applicant; however, she was unable to point out any such reason. Moreover, the applicant is a Government employee and, therefore, there is no likelihood of his being absconding, if granted *ad-interim* anticipatory bail by this Court.

8. In view of above, the prayer for grant of *ad-interim* protection deserves to be allowed. Hence, I proceed to pass following order:

ORDER

i) In the event of arrest, the applicant – Vinod Laxman Madavi in connection with Crime No.723/2025 registered with Police Station Wani, District Yavatmal, for the offences alleged under Sections 251 and 105 of the BNS, be released on *ad-interim* anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount.

ii) The applicant shall attend Police Station Wani, District Yavatmal, every Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.

iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

9. Issue notice to the non-applicant, returnable on 16th January, 2026.

10. Ms. Sneha Dhote, learned APP, waives service of notice on behalf of the non-applicant.

(RAJ. D. WAKODE, J.)

Vijaykumar