IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 BAIL APPLICATION NO.2179 OF 2026

Dharma Laxman Dighe
VERSUS
The State Of Maharashtra
....
Shri. K. N. Shermale, Advocate for Applicant
Shri. S. V. Hange, APP for Respondent – State.
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CORAM : HITEN S. VENEGAVKAR, J.
DATED : 04.11.2026

PER COURT :

. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The present Application is filed by the Applicant seeking regular bail in connection with Crime No.0551/2026, registered with Akole Police Station, Tal. Akole, District Ahilyanagar for the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'BNS').

3. The prosecution case, in a nutshell, is that on 10.07.2026 the deceased, along with his friends, had gone to catch crabs in the nearby field. While searching for crabs, the deceased and his friends reached the agricultural field of the present Applicant. While catching crabs near the Well situated in the agricultural field, the witnesses noticed that the deceased had been electrocuted by the electric current passing through

the fencing, which the Applicant had erected to protect his agricultural field from wild animals. The witnesses then took the deceased to the hospital, where he was declared dead.

4. The learned Advocate for the Applicant submits that, the present FIR is lodged by the mother of the deceased after a period of two months. He submits that, the Applicant was not involved in the alleged incident, save and except for the fact that the electrocution of the deceased took place in the Applicant's agricultural field. At this stage, he neither admits nor denies that the fencing wires were electrified for protection. However, he submits that the act cannot be said to be intentional. The deceased had entered the Applicant's agricultural field without his permission and admittedly died due to electrocution. He submits that the Applicant was arrested in connection with the alleged offence on 14.09.2026 and has been in custody since then. He further submits that the Applicant has no criminal antecedents and, therefore, prays that the Application be allowed.

5. The learned APP for the State submits that, the present Applicant had not obtained permission from MSEDCL to install electric wire fencing around his agricultural land. He submits that, the act of installing electric wire fencing around the agricultural land itself amounts to the alleged offence under Section 105. The investigation is in progress, and the Charge-sheet is yet to be filed. He submits that, at this stage, this is not a

fit case for releasing the Applicant on bail.

6. I have perused the copy of the First Information Report, the order rejecting the bail application, and the say filed by the prosecution before the Trial Court opposing the bail application. No doubt, it is an admitted position that the agricultural field in which the deceased died due to electrocution belongs to the present Applicant. Whether the electric fencing was installed with or without permission is a matter of evidence. Even if it is considered that the electric fencing was erected around the agricultural field by the present Applicant, the intention was only to protect his agricultural produce from damage by wild animals and it cannot be said that the intention was to cause any human being to be electrocuted by the said act. On the basis of the available material, the said conduct of the Applicant can, at most, be said to be negligent. However, whether it falls within the parameters of Section 105 of the BNS will have to be decided by the Trial Court.

7. For the aforesaid reasons and taking into consideration that the Applicant has been in custody since 14.09.2026, I am inclined to allow the Application and, hence, pass the following order.

ORDER

(i) The Bail Application is allowed.

(ii) The applicant shall be released on bail in Crime No.0551/2026, registered with Akole Police Station, Tal. Akole, District Ahilyanagar

for the offence punishable under Section 105 of the BNS, on furnishing a personal bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or two solvent sureties in the like amount, subject to the following conditions:

a) The Applicant shall report to the Investigating Officer on the first Monday of every month and whenever required until the Charge-sheet is filed, and thereafter, as and when required.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile number/s to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not leave State of Maharashtra without prior permission of the trial Court and, if he possesses passport, shall deposit the same with the trial Court within seven days of his release.

e) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

g) All observations in this order are prima facie and confined to

the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iii) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

GGP