

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 831 OF 2026

Pratapsing Bhagchand Bhoplwat

Versus

The State Of Maharashtra

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Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Mr. D.J. Patil

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**CORAM : S. G. CHAPALGAONKAR, J.
(VACATION COURT)**

DATED : MAY 26, 2026

PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.232/2026 registered with Bidkin Police Station, Taluka Paithan, District Aurangabad for the offence punishable under Section 105 of Bharatiya Nyaya Sanhita, 2023.
2. The investigation was set in motion on the basis of information given by Mr. Kalim Banemiya Shaikh. It is alleged that on 04.04.2026 at about 10.00 p.m., Jamil/informant's nephew had been to field in Gut No.42 for watering onion crop. In morning, his sister noticed that Jamil was laying in field. A wire was wrapped to right leg. It was connected to wire fencing installed in field of applicant. Jamil had suffered electrocution. The post mortem report shows that death of Jamil was caused due to electrocution. The spot panchnama shows that electric wire used for fencing field of applicant was reason of electrocution.

3. On 08.04.2026, applicant came to be arrested in pursuance to registration of offence. At present, he is in MCR. The applicant moved Criminal Bail Application No.77 of 2026 before Sessions Judge at Paithan. However, same has been rejected vide order dated 20.04.2026. Hence, this application.

4. Mr. Ghanekar, learned advocate appearing for applicant submits that applicant is behind bar for more than 45 days. He is aged about 65 years. Section 105 of Bharatiya Nyaya Sanhita, 2023 would not attract in facts of present case. At the most, offence can be made out under Section 106(1) of Bharatiya Nyaya Sanhita, 2023 for causing death due to negligence.

5. Learned APP strongly opposed the application.

6. Having considering submissions advanced by learned advocates appearing for respective parties and perusal of contents of FIR, it is apparent that applicant had wire fenced his field for protection of crops. The electric current was flowing from fencing wires. The deceased Jamil suffered electrocution when he came in contact with same. In this backdrop, *prima facie*, there is substance in contention of Mr. Ghanekar that offence under Section 105 Part-II of Bharatiya Nyaya Sanhita, 2023 would not attract. At the most, offence can be made out under Section 106 for causing death by negligence, which is punishable with imprisonment upto five years with fine.

7. Looking to nature of offence, it cannot be said that applicant had intention or knowledge that his act would cause death of deceased. The applicant is aged about 65 years. He is an agriculturist. No criminal antecedents of applicant are brought to notice of this Court. Further detention of applicant would serve no purpose. Hence, case is made out for grant of bail. In result, following order is passed :

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Pratapsing Bhagchand Bhoplwat, be released on bail in connection with Crime No.232/2026 registered with Bidkin Police Station, Taluka Paithan, District Aurangabad for the offences punishable under Section 105 of Bharatiya Nyaya Sanhita, 2023, on furnishing P.B. and S.B. of Rs. 30,000/- (Rs. Thirty Thousand only) with one surety in the like amount, on following conditions:

- (a) The applicant shall not tamper with prosecution evidence in any manner.
- (b) The applicant shall attend proceeding before Trial Court.

(S.G. CHAPALGAONKAR, J.)