

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

CRIMINAL APPLICATION (BA) NO. 130/2026

(Santosh S/o Maroti Shedmake Vs. The 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

Ms. Ragini K. Swami, Advocate (appointed) for applicant.
 Mr. A. R. Chutke, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 17/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.55/2025 registered with Police Station Chamorshi, Dist. Gadchiroli for the offence punishable under Sections 109, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The brief facts of the prosecution story is that from 2015 till 29.12.2024, the informant and accused were living together like a couple. However, the accused got addicted to liquor and he stopped earning for livelihood. He used to constantly quarrel with the informant. On 29.12.2024, he left the house, at that time, he gave death threat to the informant. On 30.12.2024, At about 12.30 a.m. in the night, the accused brought diesel in the can

which he poured on a shed in front of informant's house and set it on fire. On 05.02.2025 at about 02.00 am. in the night, the accused connected a service wire to the wires between the electricity poles, carrying live electricity current. He then removed two roof tiles of the informant's house, inserted the wire carrying live current from the roof to the bed where she was sleeping. As the wire touched her hand, she woke up and saw the accused on the roof, she shouted and called her son, but the accused ran away. Based on the aforesaid allegation, the informant lodged FIR against the applicant.

4. The learned counsel appearing for the applicant submits that the victim and the present applicant are having relations as husband and wife. She submits that on 05.02.2025 in the night at about 02.00 a.m., it is alleged that the present applicant has installed electric wire from the main line and it was inserted in the room of the victim - informant, where she was sleeping. She further submits that the applicant has removed two tiles (Kavelu) from roof of the house and he has inserted two wires there with the help of stick. When the informant received shock, she woke up and saw the applicant on the roof and made hue

and cry, however the applicant ran away. She submits that the allegations made against the applicant are not digestible which were made only with a view to harass the applicant, as the applicant was not behaving properly with her. She further submits that though the allegations are supported by evidence like medical certificate as well as the statement of eye witnesses, however considering the fact that simple injuries are caused and the applicant is in Jail since 04.03.2025, the investigation is complete and charge-sheet is filed, the applicant deserves to be enlarged on bail.

5. On the other hand, the learned APP vehemently opposes the application and narrated the incident, According to him, previously the applicant has burned the cattle shed by pouring diesel. He further submits that from the investigation it appears that anyhow the applicant wanted to kill her. He further relied on the non-cognizable offence which was registered on 31.12.2024, wherein the applicant has threatened the informant that he would kill her. He further invited my attention to the injury certificate, wherein it is shown tat there was injury to left wrist and the opinion was given that injury may be due to

electric shock or blunt object. He has also invited my attention to the various statements including one of eye witness who is the son of the informant, wherein he has supported the allegations, therefore he submits that considering the serious allegations, the applicant does not deserve the bail.

6. I have considered the rival submissions. Admittedly, it appears that the FIR was registered by the informant Asha . On 05.02.2025, in the night at 02.00 a.m. when she got the electric shock, she woke up and saw that a wire was inserted from the roof by removing tiles (Kavelu) and she saw the applicant on the roof. When she made hue and cry, the applicant ran away from the spot. Though it appears that there is supporting evidence to the allegations, the injury certificate shows the opinion that injury may be due to electric shock or blunt object. The other evidence like spot panchanama as well as the statement of eye witnesses support the allegation. However, now considering the fact that the applicant is in Jail since 04.03.2025, the investigation is complete and charge-sheet is filed, one does not know when the trial will conclude, therefore the applicant cannot be kept behind

bar for indefinite period. In this view of the matter, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Santosh S/o. Maroti Shedmake, be released on bail in connection with Crime No.55/2025 registered with Police Station Chamorshi, Dist. Gadchiroli for the offence punishable under Sections 109, 351(2) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.
- (v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entails the State to ask for cancellation of bail.
- (vi) The applicant/accused shall not enter into the village Nagpur (Chak), Tal. Chamorshi, Dist. Gadchiroli.

(viii) Fees of the appointed counsel be quantified and paid as per Rule.

(M. M. NERLIKAR, J.)

Gohane