

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

CRIMINAL APPLICATION (BA) NO. 235/2026

(Nagesh Vitthal Rawate 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. V.D. Darne, Advocate for applicant.
Mr. A. Mate, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 09/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.590/2025 registered with Police Station Parwa, Dist. Yavatmal for the offence under Sections 105, 238, 125, 125-A of the Bharatiya Nyaya Sanhita.

3. Brief facts of the prosecution story are that the informant lodged the complaint to the Parwa Police Station that on 31.10.2025, informant along with deceased Mangesh, Shatrughna Salam, and Vikram Vilas Chaudhari went to Rajapeth from village Kurli for catching crabs. After catching the crabs from the sewer Mangesh and Shatrughna came out first from the sewer and behind them the informant and Vikram came out. Thereafter as

Mangesh and Shatrughna were going along the boundary of the neighbouring farm, as the said farm had live electric current on the boundaries which went unnoticed by them. They got an electric shock and they shouted loudly therefore informant and Vikram came running towards them. Mangesh died on the spot and Shatrughna's legs were burned due to electric shock, therefore informant and Vikram ran towards the village and shouted to switch off the current. Based on the aforesaid allegations, the FIR came to be lodged.

4. The learned counsel for the applicant submits that the allegations against the applicant are that he has erected electric wires in order to protect his field. Though the applicant has illegally taken an electric connection and erected wires in the field in order to protect the field from wild animals, however, the deceased came in contact with the said wire and died. He submits that the applicant is not the land owner and is doing the agricultural work on "batai" basis. Therefore, considering the fact that the applicant is a farmer and there neither any intention nor knowledge on the part of the applicant that somebody

would die due to his act, he may be released on bail. Further, the applicant is in jail since 01.11.2025, and the investigation is over and charge sheet is filed.

5. On the other hand, the learned APP submits that the applicant has taken illegal connection of the electricity and has erected electric wire fencing. He submits that the act of the applicant cannot be said to be intentional and therefore Section 105 of the BNS was applied. There is sufficient material against the applicant like spot panchnama and the seizure of the wire from the field. Therefore, considering material on record, the applicant may not be released on bail.

6. I have considered the rival submissions. It appears that the applicant is not the landowner. It further appears that the applicant has taken the connection of electricity and erected fencing in order to protect the agricultural field from wild animals. Considering the nature of allegations, and the fact that the applicant is doing agricultural work on "batai" basis, I am inclined to grant the bail as the investigation is complete and charge sheet is filed and the applicant is in jail since 01.11.2025, hence

the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Nagesh Vitthal Ravate be released on bail in connection with Crime No.590/2025 registered with Police Station Parwa, Dist. Yavatmal for the offence under Sections 105, 238, 125, 125-A of the Bharatiya Nyaya Sanhita 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 entail the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)