



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

CRIMINAL APPLICATION [ABA] NO.997 OF 2025

[Vinod Laxman Madavi .vs. State of Maharashtra, Through Police Station Officer, Police Station, Wani,
District-Yavatmal]

WITH

CRIMINAL APPLICATION [ABA] NO.18 OF 2026

[Pankaj Daulatrao Kshirsagar .vs. The State of Maharashtra, Through Police Station Officer, Police Station,
Wani, District-Yavatmal]

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 Applicants.
Mr. C.A. Lokhande, APP for Non-Applicant-State.

CORAM : RAJNISH R. VYAS, J.
DATE : APRIL 18, 2026.

1. Heard.
2. One Vinod Laxman Madavi is the applicant in Criminal Application (ABA) No.997/2025, whereas one Pankaj Daulatrao Kshirsagar is the applicant in Criminal Application (ABA) No.18/2026.
3. Vinod is the employee of MSEB company, whereas Pankaj is the employee of the contractor, who was working on the post of Supervisor. The contractor was attached to MSEB company.
4. The incident in question had taken place 20.4.2025, whereas the first information report was lodged on 22.11.2025 with Wani Police Station, District-Yavatmal bearing Crime No.0723/2025 for the commission of offences punishable under Sections 251 and 105 of the Bharatiya Nyaya Sanhita, 2023. Section 105 of the Sanhita prescribes punishment for culpable homicide not amounting to murder, whereas Section 251 of the

Sanhita speaks about offering gift or restoration of property in consideration of screening offender. The offence under Section 251 is bailable and non-cognizable. The offence under Section 105 is non-bailable. The informant of the crime is Police Sub-Inspector attached to the Police Station, Wani.

5. In short, it is the case of the prosecution that on 20.4.2025, the applicant Pankaj, who was working as Supervisor with the contractor of MSEB, had asked one Atul Bhaurao Kosarkar, the employee of the contractor, to climb the electricity pole and connect the electric wire. According to the first information report, though these applicants were aware that electricity supply was not disconnected, still they asked said Atul Kosarkar to climb the pole and connect the wires. Atul Kosarkar, while performing his job assigned by the applicants, suffered electric current and ultimately died.

6. It is further alleged that the applicant Vinod then, in order to screen the offender, had entered into an agreement with the wife of Atul Kosarkar and had paid an amount of Rs.10 Lakhs to said Sonali Kosarkar. It is in this background, the learned counsel for the applicants has contended that there is nothing on record to show that the present applicants were assigned any job to disconnect the electricity supply. According to him, the statements of the persons who were attached to the sub-station of MSEB were not recorded. He further contended that as per the order passed by this court granting ad-interim anticipatory bail, they have attended the Police Station and had cooperated with the investigating agency. Coming to delay in lodging of the first information report, it is contended by the learned counsel for the applicants that initially Marg was registered during the course of

which the enquiry was done and finally the first information report was filed. He thus submitted that since in the enquiry entire material is collected, now the custodial interrogation is not warranted.

7. Per contra, the learned APP has submitted that though the applicants have attended the Police Station and investigation is almost complete, but the fact remains that both these applicants were responsible for ensuring that there is no electricity supply. According to him, there is no delay in lodging the first information report and as the informant had made several communications to the MSEB, no positive reply was given. He thus prays for rejection of the application.

8. With the assistance of the respective counsels, I have gone through the record of the case. The first information report shows that Atul Kosarkar was directed to climb the electricity pole and connect the wire. While performing the said duty, he died due to electric current.

9. The learned APP has stated that though there are no statement recorded of the persons who were at sub-station showing that either electricity supply was directed to be disconnected or connected, but the fact remains that the applicants were under obligation to ensure said fact. He submitted that since they were Superior Officers, the negligence is apparent on the face of the record.

10. At this stage, it is necessary to mention here that the incident had taken place in the month of April, 2025 and the report is lodged in the month of November, 2025. The informant might have exchanged the communication with the MSEB, but the fact remains that during that period the enquiry

was conducted and the material was collected. So far as the role of the present applicants are concerned, suffice it to say that nothing was pointed out by the learned APP that the applicants had directed the supply of electricity current when accident took place. In absence of any specific statements by the employees who were attached to the sub-station, it cannot be said that prima facie case, at this stage, is available against the applicants. During the course of the trial, the role of the present applicants can be brought on record by leading evidence. Since the investigation of the offence is already completed and the applicants had cooperated with the investigating agency, which fact is not refuted by the learned APP, I am inclined to allow both the applications. Accordingly, the following order is passed :

ORDER

(i) In the event of arrest of the applicants namely, Vinod Laxman Madavi and Pankaj Daulatrao Kshirsagar in connection with Crime No.0723/2025 registered with Police Station, Wani, District-Yavatmal, for the offences punishable under Sections 105 and 251 of the Bharatiya Nyaya Sanhita, 2023, they be released on bail on furnishing a P.R. Bond in the sum of Rs.55,000/- (Rupees-Fifty Five Thousand only) each with one solvent surety in the like amount.

(ii) The applicants shall attend the concerned Police Station on 23.04.2026 and 24.04.2026, between 10.00 am to 1.00 pm. and, thereafter, as and when required by the investigating officer.

(iii) The applicants shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.

(iv) The applicants shall not leave India without prior permission of this court.

(v) Application stands disposed of.

(RAJNISH R. VYAS, J.)

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