



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

CRIMINAL APPLICATION (ABA) NO.22 OF 2026

Dadarao Raybhan Hiwarale 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.

Shri K. Giripunje, Adv. h/f Shri S.V. Sirpuarkar, Advocate for applicant.
Ms D.V. Sapkal, AGP / APP for respondent/State.
Shri Mahesh Rai, Advocate for complainant (Assist to prosecution)

CORAM : M.W. CHANDWANI, J.

DATE : 24.02.2026.

1. The applicant apprehends his arrest in connection with Crime No.461/2025 registered with Police Station, Khamgaon Rural, District Buldhana for the offences punishable under Sections 105, 352 of the Bharatiya Nyaya Sanhita, 2023.

2. Heard the learned counsel for the applicant as well as learned Additional Public Prosecutor for the non-applicant/State assisted by Shri Rai, learned counsel for the complainant.

3. Perusal of the case diary reveals that on 18.12.2025 deceased Sheikh Yunus Sheikh Jangirhussain was found dead. He had been to the field of the applicant. It was revealed that the applicant had fixed a motor to fetch water from the river to his field and the said a motor was fenced with an iron wire. The deceased as well as his buffalo came in contact with the said wire, to which electric current was

connected by the applicant to protect the motor from being stolen. As a result of this, the deceased and his buffalo died of electrocution.

4. The contention of the applicant is that the motor as well as the electric wire have already been recovered and the applicant has cooperated in the investigation. Nothing is required to be seized from the applicant and arrest of the applicant will not serve any purpose. According to him, this is nothing but an unfortunate accident.

5. Per contra learned Additional Public Prosecutor assisted by Shri Rai learned counsel, vehemently submitted that the applicant had knowledge that if someone comes in contact with the electric motor, it may lead to death of that person. Therefore, the offence is serious in nature and hence, he sought rejection of the application.

6. No doubt, the possibility that the applicant had knowledge cannot be ruled out. However, the motor as well as the electric wire have already been recovered from the applicant. Nothing is required to be seized from the applicant. The applicant was protected by ad interim order and was directed to attend the concerned police station. The applicant appeared before the concerned police station and cooperated in the investigation.

7. Considering the nature of allegations, stage of investigation, custodial interrogation of the applicant may

not be required and therefore, a case is made out for confirmation of the interim order dated 13.01.2026.

8. The application is allowed. Interim order dated 13.01.2026 stands confirmed on the same terms and conditions except condition (ii).

9. The applicant shall attend the concerned police station as and when directed by the investigating officer.

10. With this, the application stands disposed of.

(M.W. Chandwani, J.)

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