

MHLA010013622026



Criminal Bail Application No.
268/2026
Raju alias Sudhakar Prabhu Dodke
Vs State of Maharashtra

(A) Case Details

FIR Number & Date	219/2026 dtd. 18/05/2026
Police Station, District & State	Police Station Shivaji Nagar, Latur, Tq. Latur Dist. Latur, State -Maharashtra
Sections invoked	Under Ss. 105, 3 (5) of B.N.S..and Sec.478 of Municipal Corporation Act, 1949
Maximum punishment prescribed	105 - imprisonment for life 478 of M.C.Act - imprisonment upto 1 month

(B) Custody & Procedural Compliance

Date of Arrest	N.A.
Total period of custody undergone	N.A.

(C) Status of Trial

Stage of proceedings (Investigation/ charge sheet/ cognizance/ framing of charges/ trial	Investigation
Total Number of witnesses cited in the charge-sheet	N.A.
Number of prosecution witnesses examined	N.A.

(D) Criminal Antecedents

FIR No. and Police Station	Nil
Sections	Nil
Status (Pending / Acquitted Convicted)	Nil

(E) Previous Bail Applications

Court	Nil
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Case No. Nil

Outcome of case Nil

(F) Coercive Processes

Whether any Non-Bailable Nil

warrant was issued

Whether declared a proclaimed Nil

offender

ORDER BELOW EXH.1

The applicant has filed application for grant of anticipatory bail under Section 482 of the B.N.S.S. in connection with Crime No.219/2026 registered with Police Station, Shivaji Nagar, Latur, Tq. Dist. Latur for the offence punishable under Sections 105, 3 (5) of B.N.S. and Section 478 of the Municipal Corporation Act, 1949.

2. According to advocate of applicant, the applicant has not committed alleged offence. He has been falsely implicated in the given crime. The FIR is an afterthought and misuse and abuse of law to settle personal scores. When the alleged incident occurred the applicant was not present on or near the site of offence. There was no intention of applicant to commit the alleged offence. Also he did not have the knowledge that such incident may occur. Prima facie offence under Section 105 of B.N.S. is not attracted. Mere existence of water storing pit does not constitute the said offence. There is no element of criminal conspiracy on the part of applicant to commit the given crime. The Municipal irregularities and civil violations cannot be arbitrarily and mechanically escalated by the investigation agency to level a serious charge of culpable homicide.

3. It is further submitted by the applicant that the pit in

which the alleged incident occurred was properly fenced to prevent any intervention or trespass. The alleged incident occurred because of gross carelessness and contributory negligence of informant. After retrieving the children from the pit, the informant failed to provide first aid, CPR or any preliminary medical intervention before taking them to the Hospital. The incident is a accidental mishap which is exaggerated and maliciously arrayed as a criminal act.

4. Further according to applicant, the co-accused has been arrested and they have been taken in judicial custody. Major part of the investigation has been done. Nothing is to be seized or recovered from the possession of applicant. His custody is unwarranted. No fruitful purpose would be served by his detention. He is a respectable member of the society and has deep roots in the community. He is ready to fully co-operate police machinery in the investigation. Also he is ready to abide by all terms and conditions subject to which anticipatory bail is granted to him. It is well settled that mere gravity of offence and severity of punishment is not a ground for rejection of bail. Hence, it is prayed that this application be allowed.

5. Present application has been strongly opposed by A.G.P. , I.O. and the advocate assisting the prosecution on the ground that the offences alleged against applicant are very serious. The applicant alongwith other accused, without any necessary permission dug a 25 x 25 sq.feet pit which was 15 feet deep in a residential locality to store water in it and then supply water illegally without proper permission from concerned authority. Since last one year there were continuous complaints made by the local inhabitants to the Municipal Authorities regarding the said pit and the nuisance caused because of storage of

water in the said pit. Further according to them bad smell was emanating from the water in the said pit causing inconvenience to the local residents. The accused persons were transporting such foul and dirty water to people for drinking and for other use. The accused persons had not properly erected fencing around the said pit to safeguard people and animals from falling in the said pit or to avoid any mishap. The offence under Section 105 of B.N.S. has been rightly leveled against the applicant as he and the other accused had full knowledge that the said pit is likely to cause death of any person. The gravity and seriousness of the offence is high. The custody of applicant will be required for collection of evidence and for knowing further details of the crime. Further that, this is not a crime wherein discretion can be used in favour of applicant for granting anticipatory bail to him. Hence, it is prayed to reject the application.

6. Heard both sides. Perused the record and the investigation papers. The offence under Section 105 of B.N.S. registered against applicant is very serious and is punishable with imprisonment for life. As per allegations in the FIR the applicant and other accused had dug a pit of 25 x 25 sq.feet which was 15 feet deep on the land owned by co-accused nos.3 & 4 to store water and then supply it at various places. Admittedly, there was no permission sought by the applicant or other accused persons from competent authority for digging the said pit and for storing water in it. As safety measure only one green cloth was erected with the help of bamboo support on the edges of a pit which was not sufficient to prevent any mishap. The photograph of the said pit prima facie shows that the safety arrangement installed around it would not prevent any mishap. The FIR and the statements of the witnesses shows that the said pit was dug in a residential area posing

high risk to the small children, animals and people of the locality.

7. The documents filed on record by the advocate assisting the prosecution shows that since last one year or so repeated complaints were being made by the local inhabitants to the Municipal Authorities to take necessary action against the applicant and the other accused as the said pit was causing nuisance, emitting foul smell and posing risk to the local inhabitants. But neither the Municipal Authorities took any action nor the applicant or any accused stopped their activities. This shows high handedness on the part of applicant and accused. They cannot be called responsible or law abiding citizens.

8. The gravity of the offence is very high. Two kids aged about 08 to 09 years fell in the said pit and lost their lives. The informant who jumped in the said pit to save them was also about to lose his life because of marshy and swampiness inside the said pit because of long standing water in it. The neighbours rescued the informant after hearing his screams and shouts. This shows that the pit had become a death trap for whoever falling in it and also it had become a source of spreading various water borne diseases.

9. It cannot be accepted that the applicant would not have any knowledge that the said pit would pose such a high risk of mishap. Moreover, the applicant and other accused persons were supplying water from such dirty pit to people which again pose huge risk to their health and safety. The acts of applicant and other accused shows that they were literally playing with the lives of people for their selfish ends. Such acts are against the society and cannot be taken casually. In

view of the above reasons, I find no justified grounds to exercise discretion for grant of anticipatory bail to the applicant. Hence, the following order :

ORDER

The application for grant of anticipatory bail is hereby rejected.

Sd/-

(R.B. Bhagwat)

Additional Sessions Judge-2,
Latur.

Date : 02/06/2026