

Court No. - 73

**Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13096 of 2023**

Applicant :- Raunak Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajit Kumar Singh, Raj Kumar Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Nalin Kumar Srivastava, J.

1. This application has been moved on behalf of the applicant **Raunak Singh** seeking anticipatory bail in Case Crime No. 495 of 2023, under Section 304 IPC, Police Station Ghosi, District Mau.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

3. It has been submitted by the learned counsel for the applicant that applicant is innocent and he has apprehension of his arrest in the above-mentioned case, whereas there is no credible evidence against him. Allegations levelled against the applicant are false. It is further submitted that the applicant has absolutely no concern with the present case. He never took the deceased from his house and persuaded him to climb over the electricity pole for some wire connection. The applicant himself was working over the electricity pole at the relevant point of time and prior to that he had made a telephonic call to the department of electricity for shut-down and same was taken for sometime. The applicant had no concern with the alleged wire connection work of the deceased. Applicant has no criminal history to his credit. The investigation of the case is going on and the applicant is cooperating with the same. It has been submitted that in case applicant is granted anticipatory bail, he shall not misuse the liberty of bail and would obey all conditions of bail.

4. Learned A.G.A. opposed the prayer for anticipatory bail and submitted that the present applicant had taken the deceased from his house and the averment to this effect finds place in the F.I.R itself, which has been lodged by the mother of the deceased, who has been the witness of last seen. It is further submitted that the contention of the defence is highly suspicious and confusing that if the present applicant did not take the deceased from his house and

did not persuade him to climb over the electricity pole for wire connection what was the necessity for him to take shut-down. The contention of the defence that the applicant was working somewhere else on electricity pole does not find support from the evidence collected by the I.O.. It is not a case of mere negligence on the part of the applicant but it is a case of culpable homicide not amounting to murder.

5. The prosecution story, as unfolded in the F.I.R., is that the present applicant, who is an ad-hoc employee in the Electricity Department, persuaded the deceased to climb over the electricity pole for wire connection but suddenly the current started causing the death of the deceased. F.I.R. was lodged on 27.10.2023 and investigation started, which is still going on. It also reveals from the perusal of the F.I.R., which has been lodged by the mother of the deceased, that the applicant had taken the deceased from his house. The contention of the defence that the applicant was working somewhere else on electricity pole does not find support from the evidence collected by the I.O.

6. In **Sushila Aggarwal and others vs. State (NCT of Delhi) and another, (2020) 5 SCC 1**, the Hon'ble Apex Court has held that while considering an application for grant of anticipatory bail, the court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence including intimidating witnesses, likelihood of fleeing justice, such as leaving the country, etc. It has further been held that Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion.

7. Hence, considering the settled principles of law regarding anticipatory bail, submissions of the learned counsel for the parties, nature of accusation, role of applicant, all attending facts and circumstances of the case and the fact that allegations are serious in nature, without expressing any opinion on the merits of the case, in my view, it is not a fit case for anticipatory bail to the applicant. Prayer made in the application is refused.

8. The application is **rejected**.

Order Date :- 5.12.2023

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