

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10698 of 2022

Applicant :- Shyam Narain Maurya

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Ajay Madhavan, Mata Prasad Yadav, Shiva Shashank, Sudhakar Mishra

Counsel for Opposite Party :- G.A., Saurabh Kumar

Hon'ble Mohd. Faiz Alam Khan, J.

1. No one is present on behalf of complainant, however, the name of Shri Saurabh Kumar is printed in the cause list as counsel for complainant.
2. Heard Shri M.P. Yadav, learned counsel for the accused/applicant as well as learned A.G.A. for the State and perused the record.
3. This bail application has been moved by the accused/applicant- **Shyam Narain Maurya** for grant of bail, in Case Crime No. 136/2022, under Section 304 IPC, Police Station Sangrampur, District Amethi, during trial.
4. Learned counsel for the accused-applicant while pressing the bail application submits that it is a case of false implication and even if the story as narrated in the First Information Report is believed as it is, no culpability may be attached with any act of the applicant and at the most, the offence may be under Section 304-A of the IPC.
5. It is further submitted that there is material contradiction in oral account of the incident and medical evidence as apart from a burn injury which at the most may be imputed with electrocution, two contusions have also been found on the person of the deceased casting a cloud of suspicion over the story narrated in the First Information Report and as the deceased was aged about 70 years, he might have met some accident and have sustained injuries.
6. It is further submitted that without admitting his guilt, the applicant is ready to compensate the dependents of the deceased- 'Rampati' and voluntarily ready to deposit Rs. 2,00,000/- with the trial court which may be provided/ given to the dependents of the deceased.

7. It is also submitted that the applicant is in jail in this case since 19.07.2022, having regard to the pendency of the case before the trial court the trial is not expected to conclude in near future and the applicant is not having any other criminal antecedent and undertakes that he will cooperate in the expeditious disposal of the case before the trial court. Charge sheet in this case has already been submitted and there is no apprehension that the accused-applicant after release on bail, may flee from the process of law or may otherwise misuse the liberty.

8. Learned A.G.A. on the other hand submits that the applicant is accused of committing an heinous offence and his act of fencing his agriculture field by releasing electric current is itself sufficient to indicate that he was having requisite knowledge that any person who would come in the contact with the same may die, thus the offence under Section 304 IPC has been committed by the applicant.

9. Having heard learned counsel for the parties and having perused the record, it appears that on the fateful day, the deceased had come in contact with the barbed fencing wire allegedly installed around the agricultural field of the applicant wherein the electric current was released by the applicant and sustained injuries as a result of which he died. The deceased was aged about 70 years. Various submissions have been raised on behalf of the applicant in order to show that the story as narrated in the First Information Report as well as in the statement of prosecution witnesses may not be believed as the deceased apart from sustaining one burn injury had also sustained two injuries of the nature of contusions which may not be attributed to the electric current.

10. Be that as it may, it is submitted by learned counsel for the applicant that to show his *bonafide* the applicant is ready to deposit Rs. 2,00,000/- (Rs. Two Lakhs) with the trial court and the same may be provided (disbursed) to the legal heirs/dependents of the deceased, who are sons and daughter of the deceased.

11. Keeping in view all the facts and circumstances of the case and taking into accounts various submissions made by learned counsel for the applicant and also having an eye on the fact that without admitting his guilt, the applicant is ready to deposit Rs. 2,00,000/- before the trial court as compensation which may be paid to the legal heirs/ dependents of the deceased, in the considered opinion of the Court the personal liberty of the applicant may be restored and his prayer of bail may be accepted. Thus, the bail application moved on behalf of the

applicant is hereby **allowed**.

12. Let the applicant- **Shyam Narain Maurya** involved in the aforesaid case be released on bail on furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall deposit Rs. 2,00,000/- (Rs. Two Lakhs) in the trial court at the time of submitting certified copy of this order and the trial court after receiving this amount shall issue notice to the dependents / legal heirs of the deceased- Rampati (who are stated to be two sons and one daughter), details of which shall be provided by the applicant or his Pairokar to the trial court and the trial court after ensuring the relationship of the dependents/ legal heirs of the deceased would disburse the amount of compensation i.e. Rs. 2,00,000/- (Rs. Two Lakhs) amongst the legal heirs of the deceased in equal proportion, without taking any surety or security.

(ii) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(iii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iv) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

13. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

14. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

15. Observations made herein-above are only for the purpose of disposal of bail application and the same shall not have any bearing on the trial of the case.

16. The deposition of Rs. 2,00,000/- before the trial court shall be a condition precedent of the release of the applicant from prison.

Order Date :- 22.11.2023

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