

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 681 of 2015

Kapildev Nayak S/o Prahlad Ram Nayak Aged About 45 years Occupation
Agriculture, Caste Aghariya, R/o Village Gindola, Police Station Bhupdevpur, Civil
& Revenue District Raigarh Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station -
Bhupdevpur, Tahsil Kharsiya, District - Raigarh Chhattisgarh

---- Respondent

Shri Pramod Verma, senior counsel along with Ms. Deepali Pandey, counsel for the
applicant/s.
Ms. Shubha Shrivastava, Panel Lawyer for the State.

Order On Board

05/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.108/15
registered at police station – Bhupdevpur, Distt.-Raigarh (CG) for alleged
commission of offence under Section 304/34 of IPC.

2. Prosecution case is that the applicant and other accused prepared a trap by
laying electricity wires and getting it connected to the main supply of line of high
voltage, due to which, one Narayan, who came in contact with the same and died
due to electrocution.

3. Learned senior counsel appearing for the applicant submits that the applicant
is alleged to be involved in preparing trap by one of the co-accused who has been
arrested, which by itself, cannot be said to be incriminating evidence against the
said applicant. He further submits that the preparation for such trap, at the most,
was for catching animals and at the most, it could be a case of Section 304-A IPC
which is bailable in nature. Lastly, it is submitted that the applicant had no personal
interest in laying trap and it is not situated at or around the house / land of the
deceased.

4. On the other hand, learned State counsel opposes the bail application and submits that in the memorandum of other accused, the applicant has been named as one of those, who have been laying electric wires and getting it connected with the high voltage line. Therefore, prima facie, offence under Section 304 IPC is made out and it is also submitted that the other two co-accused have been arrested.

5. Considering the aforesaid submission, I am not inclined to grant anticipatory bail to the applicant. The application is accordingly rejected.

Sd/-
Manindra Mohan Shrivastava
Judge