

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1548 of 2016

Anil Dutta, S/o Late Gaurango Dutta, aged about 19 years, Occupation Labour, R/o Prachivihar, Raigarh, Tahsil & Distt. Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Chakradharnagar, Distt. Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Awadh Tripathi, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.58/2016, registered at Police Station Chakradharnagar, Distt. Raigarh, for the offence punishable under Section 304 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and three other co-accused persons were involved in fish culture by taking electricity connection by hooking, the deceased came in contact with the live electricity line and got electrocuted and thereby the present applicant has committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. At the most, offence punishable under Section 304A of the IPC for causing death by negligence is made out against the

applicant. The applicant is in custody since 16-2-2016 and charge-sheet has not been filed. Therefore, considering the role of the applicant, he be released on bail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, pretrial detention of the applicant and defence of the applicant that only offence under Section 304A of the IPC at all can be said to have been committed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge