

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 655 of 2016

1. Chainuram Mandavi, S/o. Usaru Ram Mandavi, aged about 38 years, R/o. Village – Umargaon, P.S. - Kondagaon, Revenue and Civil District – Kondagaon (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through, Police Station – Kondagaon, District – Kondagaon (C.G.)

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/08/2016

1. Apprehending arrest in connection with Crime No.123/2016 registered at Police Station – Kondagaon, District – Kondagaon (C.G.), for offence punishable under Section 304, 379 of Indian Penal Code and 135 of Electricity Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the allegation against the applicant is that while causing theft of electricity has taken wire and the theft of electricity was being done and the wire by which the electricity was being taken was fell down in the fencing and the deceased, Lachchhan Bai came in contact with such fencing and died.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and because of acute emergency, the electricity line was taken and by act of god, it fell down in to fencing,

therefore, no offence has been committed by the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents, which shows that the applicant dragged the electricity line of PVC aluminum wire and the map is also attached with the case diary. Considering the facts and circumstance of the case, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge