

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2603 of 2016

- Tirath Ram Nishad S/o Salik Ram Nishad Aged About 45 Years R/o Village Karchali, Police Station Chhura, Civil And Rev. Distt. Gariyaband Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through Police Station Chhura, Civil And Rev. Distt. Gariyaband, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri P.P. Sahu, Advocate.

For Non-Applicant: Shri Gary Mukhopadhyay, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

06.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 14.04.2016 in connection with crime No.25/2016 registered at Police Station Chhura, District – Gariyaband for the offence punishable under Section 304A of the IPC and under Section 135 of the Electricity Act.
2. Case of the prosecution, in brief, is that the present applicant was using submersible pump for filling the pond for fishing and that the wire which was used for the operation of the pump was not properly insulated and therefore, victim namely Devnath Dhruv came in touch with the wire got electrocution and died on the same day.
3. Learned counsel for the applicant submits that the applicant has got proper sanction from the Electricity Office for using the said pump and

has also proper bills for the same and the incident took place neither deliberately nor intentionally. It is also not the case where the wire has been left loose for any other purposes.

4. Learned counsel for the State however opposes the bail application on the ground that it is a case in which one of the villagers has died and the nature of the incident is quite serious.
5. I have heard the counsel appearing for the parties.
6. Considering the fact and circumstances of the case, in particular, the manner in which the incident occur and the fact that the maximum sentence for the said offence is 2 years or fine and the period of detention from 14.04.2016, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE