

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8188 of 2016

- Samaruram S/o Tetkuram Sahu Aged About 75 Years R/o Village-Latabod, Tahsil & Police Station Balod, District Balod, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Police Station Balod, District Balod, Chhattisgarh.

---- **Respondent**

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

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21-12-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 17-11-2016 in connection with Crime No. 456 of 2016, registered at Police Station Balod, District Balod (CG) for the offence punishable under Section 135 of the Electricity Act.
2. Case of the prosecution, in brief, is that on 25-8-2016 wife of the present applicant came into contact of the live wire of fencing which was electrified to save the crop from the wild animals and electrification was made by the present applicant, due to which she died and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, in-fact, certain electrical connection which was obtained from electric line fell down and thereby fencing was electrified and the applicant has not

committed any offence. He would further submit that the applicant is aged about 75 years, charge-sheet has been filed in this case, the applicant is in jail since 17-11-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and and further considering the age of the applicant who is shown to be 75 years and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 17-11-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall 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 trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju