AFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA 824 of 2017

- Rajendra Kumar Chandrakar S/o Late Gokulram, aged about 48 years, R/o Village: Pitiyajhar, Police Station : Mahasamund, Tahsil & District : Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station: Mahasamund, District- Mahasamund (C.G.).

---- Respondent

For Applicant : Mr. Gurudev I. Sharan, Advocate
For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order

24/11/2017

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 227/2017, registered at Police Station- Mahasamund, District- Mahasamund (C.G.) for the offence under Section 304-A of IPC and Section 135 of Electricity Act..

3. It is submitted by counsel for the applicant that the applicant is owner of Tent House and for the programme of Gram Swaraj Shivir, the tent was being erected in the premises of Primary School situated at

Village- Sher, District- Mahasamund. During its erection, the electricity connection was made by direct hooking from the pole. One Rojgar Sahayak namely- Hemant Sahu, while working on it, got electrocuted and died on the spot because the electric current was running through the metal pipe and for such reasons, the offence has been registered against the applicant. It is prayed that the applicant was neither present on the spot nor was he supervising the erection of the tent. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

4. Counsel for the State opposes the bail application and the submissions made in this respect.

5. Heard the counsel for both the parties and perused the case diary.

6. Considering the facts of the case already discussed and considering the submissions made by the counsel for the applicant as also the contents of the case diary, I am of the view that present is a fit case to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

   i. that the applicant shall make himself available for

interrogation before the Investigating Officer as and when required;

ii. that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police Officer;

iii. that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Rahul