

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 617 /2017

Ghanshyam Patel, S/o. Madan Lal Patel, Aged About 46 Years,
Occupation- Cultivator, R/o. Kaudiya, Police Station Seepat, Tahsil &
District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station-
Seepat, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Devesh Chandra Verma, Advocate.
For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29.11.2017

1. Apprehending arrest in connection with Crime No.119/2017 registered at Police Station- Seepat, District Bilaspur (C.G.) for the offence punishable under Section 304 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 22.06.2017 a report was made by one Ramesh Kumar Sahu that his father went to graze the goat but he did not return. Subsequently, it was found that his dead body is lying in the field and when he reached near the spot, he saw that the applicant has thrown an electricity line wherefrom the deceased sustained shock and died and goat & dog also died in such incident.
3. Learned counsel for the applicant would submit that the dead body of the deceased was found near an electric pole and only on the presumption the applicant has been inculpated and maximum the case would fall under Section 304-A of I.P.C. and 304 cannot be attracted; therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary. The statement of Ramesh Kumar Sahu who went to the spot would show that one of the earthing wire fell down in the field and the field was wet and the crime details also disclosed the same. Considering the same and the fact that no interrogation is required in this case, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. 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 furnishing a personal bond to a 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 him/her 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.