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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2097/2017 and Crl. M.B. No. 1828/2017 (interim bail)

PREM SAGAR

..... Petitioner

Represented by: Mr. Painav Gupta, Ms. Mansi Gupta and Mr. Wazir Singh Malik, Advocates.

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Represented by: Mr. Ashok K. Garg, APP for the State with Inspector Ravinder Malik and SI Manoj Kumar, PS I.P. Estate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

30.11.2017

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1. Despite directions to file the status report on issuance of notice to the State on 17th October, 2017 till date no status report has been filed.
2. The petitioner seeks bail in case FIR No. 226/2017 under Sections 304/308/34/120B IPC and Section 9 of Prohibition of Employment as Manual Scavengers Act, 2013 registered at PS I.P. Estate, New Delhi.
3. Sumeet, the complainant in above noted FIR stated that for the last one year he was posted with the owner of Anup Enterprises Piyush Goel at Lok Nayak Hospital as Sewerman on contract. On 20th August, 2017 at around 11.30 AM, Prem Sagar, beldar in PWD Department and Mahesh, Supervisor of Anup Enterprises came to him and stated that sewer behind ward No.13-14, which they were opening yesterday i.e. 19th August, 2017,

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could not be opened and thus they should first open the said sewer line. On the said statement Rishi Pal and Sumeet told Prem Sagar and Mahesh that sewer is very deep and they cannot go into it without oxygen cylinder, mask and safety belt etc. and they need more men on which Mahesh stated that the Contractor Piyush Goel has directed that only they three would have to clean the sewer. Since they went to clean the sewer without the oxygen cylinder, mask and safety belt, Rishipal fell down and could not come out of the sewer. Vishal also came out with great difficulty. They raised the voice to save Rishipal. Body of Rishipal was brought out and he was declared dead at the hospital.

4. From the allegations in the FIR it is apparent that the petitioner is only the beldar of the PWD and the employer/contractor under whom the work was to be done was required to supply the necessary equipments including the oxygen mask, cylinder and belt etc., which he failed to. The petitioner has been in custody since 22nd August, 2017. Charge sheet has already been filed. Thus this Court deems it fit to grant bail to the petitioner.

5. It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹20,000/- with one surety of the like amount, subject to the satisfaction of the learned Trial Court/CMM.

6. Petition and application are disposed of.

7. Order dasti.

MUKTA GUPTA, J.

NOVEMBER 30, 2017/‘vn’

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