

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 47 of 2018**

1. Ram Kumar Rathore, S/o. R. P. Rathore, Aged About 60 Years, Occupation- On Govt. Job, Executive Engineer, Residence Of Bhartiya Nagar, Bilaspur District Bilaspur Chhattisgarh.
2. Parixit Suryawanshi, S/o. Prayag Lal, Aged About 39 Years, Occupation -On Govt. Job, (S.D.O., R.E.S.) R/o. Torwa Bilaspur, Post And District Bilaspur Chhattisgarh.
3. Chandrakant Katakwar, S/o. Mahaveer Katakwar, Aged About 28 Years, Occupation -On Govt. Job (Sub Engineer) R/o. Sonkar City, Mungeli, District -Mungeli, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Its Police Station -Jarahagaon, District -Mungeli, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ravi Maheshwari, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/03/2018**

1. Apprehending arrest in connection with Crime No.215/2015, registered at Police Station – Jarahagaon, District – Mungeli (C.G.) for offence punishable under Section 288, 337, 308, R/w. Section 34 of the Indian Penal Code (wrongly added 304 of I.P.C. in the order), the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out on the basis of the material present in the case under investigation. The construction on the site was being carried out by the contractor and the labours, who got injured due to fall of centering plate was purely an accident, for which the applicants can not be held responsible. Applicants are public servant, therefore, it is prayed that the applicants may be benefited with grant of anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the applicants were directly responsible, as they were supervising the said construction and it is their inadvertent act that allowed the construction to be done against the norms and the standard, because of which, the labours engaged in the said construction got injured, hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. Construction of Jila Panchayat Bhawan was being done in Jarhagaon. During that casting of slab of that building, the slab collapsed because the material used for casting was not of standard quality, because of which 7 labours engaged in the said construction were got injured. According to the medical examination all the injured persons have suffered simple injuries.
6. Considered the submissions made and the contents of the case diary. Considering the material present in the case diary and further considering the facts and circumstances of the case, this Court is

inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge