

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4420 of 2018**

Smt. Prabha Sen, W/o. Rajesh Sen, Aged About 25 Years, R/o- Village Kharra, Tehsil and P.S. Gunderdehi, District- Balod, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Prasoon Agrawal, Advocate
For Respondent	:	Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/07/2018**

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 in connection with Crime No.161/2018, registered at Police Station- Gunderdehi, District – Balod (C.G.) for the offence punishable under Section 288, 304, 337, R/w. Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 11.05.2018. No case is made out against the applicant. Applicant was Panch of the said ward in which the construction of water tank was done. According to the proposal passed in the Gram Panchayat, this applicant was having the responsibility to monitor the construction. She is neither the contractor nor supervisor and nor any technical person to ascertain the quality of the construction. This applicant is in no way responsible for the unfortunate incident that was taken place.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that according to the proposal of the Gram Panchayat, this applicant was appears to be responsible to monitor the standard of the construction, in which she has failed, which has resulted in unfortunate incident. Hence, she is not entitled for grant of bail.
 4. I have heard the learned counsel for the parties and perused the documents placed on record.
 5. According to the prosecution case, a water tank was constructed in village – Kharra in the ward of which the applicant is the Panch. On the date of incident, the newly constructed water tank was filled with water, which all of sudden collapsed and three children were buried in debris, out of which two children have died. After lodging of FIR this case has been registered against this applicant on the basis of responsibility according to the proposal of Gram Panchayat. Hence, this case.
 6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
 7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
 8. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
- Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge