

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4991 of 2018

1. Uday Pratap Singh S/o Shri Ramashankar Singh, Aged About 35 Years, Occupation Engineer (Pahadpur Cooling Towers Ltd.) R/o Janta R/o Village Sonhara, Post Odrai, District Gajipur U. P., District : Ghazipur, Uttar Pradesh
2. Murli Pradhan S/o Shri Madan Pradhan, Aged About 52 Years, Occupation Manager (Pahadpur Cooling Towers Ltd.) R/o Village Nawagarh, Police Station Kodla, District Ganjam Orissa, District : Ganjam, Orissa

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate, Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

MCRC No. 5601 of 2018

1. Satpal Singh Bal S/o Late Bandhan Singh Bal, Aged About 42 Years, Occupation- A.G.M. Pahadpur, Cooling Towers Ltd. R/o- Village- Jhalmala, Police Station- Pusour, Tehsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Kishore Bhaduri, Mr. Pawan Kesharwani and Ms. Smita Jha, Advocates.

For Non-applicant/State – Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-08-2018

1. As these two applications arise out of the same crime number, i.e., Crime No.96/2012 registered at P.S. Pusour, District- Raigarh, Chhattisgarh for the offence under Section 304 of the IPC, they are being decided by this common order.
2. These are first bail applications filed before this Court by the applicants under Section 439 of the Cr.P.C. for grant of regular bail. Applicant Satpal Singh Bal (applicant in MCRC No.5601/2018) has been arrested on 26-06-

2018 and applicants Uday Pratap Singh and Murli Pradhan (applicants in MCRC No.4991/2018) have been arrested on 27-06-2018 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant Satpal Singh Bal is in jail since 26-06-2018 and applicants Uday Pratap Singh and Murli Pradhan are in jail since 27-06-2018. No case is made out against these applicants. Applicant Satpal Singh Bal is Project Manager and applicant Uday Pratap Singh is Engineer and applicant Murli Pradhan is Assistant Manager of the project. A construction of cooling tower was going on under their supervision. The unfortunate incident which has taken place in which 5 labourers have died because of fall of the construction platform, for that these applicants are not responsible in any manner, as the labourers were provided with all the safety equipments and it was due to their negligence that the incident has taken place. The applicants are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that it is clearly made out according to the investigation made in this case that the applicants have inadvertently put the labourers to work in hazardous condition without providing safety equipments which resulted in happening of this incident. Hence, they are not entitled for grant of bail.

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

6. The prosecution case is this, that in the construction work of cooling tower in Korba 5 labourers namely Ravinder, Kripa Ram, Jitendra, Lav Kush, Lolarak have died due to fall from the platform which is called jump form from the height of 170 meters, which resulted in death of all the labourers. After lodging of the FIR, the investigation has been done and the applicants have been found responsible.

7. Considering on each and every material present in the case diary and also looking to this fact that the case is presently before the trial Court and criminal responsibility is to be made out before the trial Court by the prosecution, I feel inclined to grant regular bail to these applicants.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge