

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 271 of 2019

- Nirakar Ambusth S/o Vasudev Ambusth, Aged About 62 Years, Caste Kayast, R/o Village Pakargaon, Police Station- Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Thana Pathalgaon, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri Mahesh Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2019

1. Apprehending arrest in connection with Crime No.20/2019, registered at Police Station – Thana - Pathalgaon, District Jashpur, Chhattisgarh for offence punishable under Section 304 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. The applicant has simply established one electric connection for lighting of his house under construction. The deceased who came into contact with the live wire was purely an accident and not a result of any inadvertent act of this applicant, therefore, no case is made out under Section 304 of the IPC against him. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is statement of witnesses that this applicant had made use of electric wire to protect his place of construction from theft of articles and because of which the deceased got electrocuted, therefore, he is not entitled for grant of anticipatory bail.

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

5. On 19-01-2019 Kadri Bek came into contact of the electric wire which was present in the house under construction of the applicant and got electrocuted. Hence, this case.

6. After considering on the material present in the case diary, I am of this opinion that it is a fit case for grant of anticipatory bail to this applicant.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge