

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1706 of 2019

- Lal Say S/o Late Jharu Aged About 80 Years R/o Village Karrajar, Police Station Pussour, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pussour, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Bharat Sharma, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 155/2019, registered at Police Station Pussour, Distt. Raigarh (C.G.) for the offence punishable under Sections 304-A of the IPC and Section 135 (1) A of Electricity Act, 2003.
2. As per prosecution story, in the year of 2006-07, the applicant on his land illegally connected wire from nearby transformer and done theft of electricity, allegedly, deceased Bodhan @ Santosh got in contact with the said wire due to which he received electric shock and subsequently he died. On the basis of said background, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that Section 304-A is a bailable offence and with regard to Section 135 (1) A of the Electricity Act, no material evidence available on record on the basis of which it can be said that the applicant has illegally done theft of electricity. He further submits that the competent authority has not filed any complaint against the applicant. The applicant

is aged about 80 years and the incident occurred before 13 years ago. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the competent authority has not filed any complaint against the applicant regarding theft of electricity and the incident is of the year 2006-07. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge