

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 628 of 2020**

- Bhimsen S/o Rajeshwar, Aged About 30 Years Cast Korwa Occupation Agriculture R/o Village Bhathikona P.S. Bagicha District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Bagicha District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri A.N. Pandey, Advocate.
For Respondent/State	: Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/08/2020**

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 20/2020 registered at Police Station Bagicha, District - Jashpur, (C.G.) for the offence punishable under Section 304 of the Indian Penal Code.
3. As per the case of the prosecution, on 19.02.2020 complainant Maya Ram lodged a report in the police station alleging therein that on 19.02.2020 itself at around 11: 00 am his son Kalender Yadav went toward Dodki *nala* for grazing the buffalo, at around 12:00 noon when his son was searching the buffalo near Dodki *nala*, allegedly, he came in contact with the electric wire, which was spread by present

applicant, due to which his son died on the spot. On the basis of the said report, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie* no case is made out against present applicant. There is no material on record on the basis of which it can be said that the electric wire was spread by the present applicant. Thus, it is prayed that applicant may be enlarged on anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and after going through the contents of the F.I.R. as well as the statements of witnesses namely Mahendra, Ashok, Raj Kumar and Bhulan, I am not inclined to grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge