

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 633 of 2020**

- Deepak Gupta S/o Shri R. D. Gupta Aged About 50 Years Occupation Business, Director, Shakti Pulp, And Papers Limited, Tetla, District Raigarh Chhattisgarh R/o Itwari Bazar, Naya Ganj, Raigarh P. S. Kotwali, Tahsil And District Raigarh, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.85/2020 registered at Police Station Pussour, Tahsil Pussour, District Raigarh, (C.G.) for the offence punishable under Sections 120-B, 202, 284 and 308 of the I.P.C.
2. In the present case, applicant is the Director of one factory. On 23.03.2020 complete lockdown around country was announced by the Central and State Government. Consequently, production of the said company stopped. On 6.5.2020 some labours were engaged for cleaning the back water tank of the said factory. When labours started

digging out the material over the tank, gas leaked from the tank and some labours including the Supervisor Ranjit Singh got unconscious. All of them immediately got admitted at the Hospital. On the basis of above background, police registered the offence against present applicant.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that applicant is not involved in the present case. Applicant, being the Director of the factory, is falsely implicated in the case. The work was conducted under the supervision of Manager and Supervisor namely Shashidharan Mishra and Ranjeet Singh respectively. Referring to the judgment of **(1996) 6 Supreme Court Cases 129 (Keshub Mahindra Vs. State of M.P.)** and **2014 SCC online Bom 1773 Criminal Bail application No. 850/2014 (Abdul Salim Sheikh Vs. State of Maharashtra)**, it has been further submitted that there was no such intension or knowledge to the present applicant which is required for attraction of Section 308 of I.P.C. If the entire case is taken as it is, mostly case of negligence is made out. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the diary minutely.
6. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, particularly considering the fact that present applicant is only the Director of the factory and work was conducted under the supervision of Ranjeet Singh, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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