

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC(A) No.645 of 2020

Raju Kumar Kaushik, S/o Shri Hiralal, aged about 30 years, R/o Village Pathari,
Police Chowki Hardibazar, Tahsil Pali, District Korba (C.G.)

Versus

State of Chhattisgarh Through Police Station - Hardibazar, District-Korba (C.G.)

For Applicant : Mr. Anshul Tiwari, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/07/2020

1. The matter is heard through video conferencing.
2. 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. 201/2020, registered at Police Station Hardibazar, Distt. Korba, Chhattisgarh for the offence punishable under Section 304 of the IPC and Section 139 of the Electricity Act, 2003.
3. In this case, name of the deceased is Shankarlal and the date of incident is 03.03.2020. As per prosecution story, it has been alleged that on 03.03.2020, the applicant and other co-accused persons Bharat and Gangaram, for the purpose of hunting animals, spread electricity wires of 1100 KV and due to which the deceased came into the contact of said wires and died due to electrocution. FIR has been lodged by mother-in-law of the deceased. On the basis of said, offence has been registered.
4. 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 FIR has been lodged against co-accused Bharat and Gangaram only and they have already arrested. There is no direct evidence available on record against the applicant, the applicant is implicated only on the basis of statement of co-accused Gangaram which

is not a legal evidence. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution and arguments advanced by both the counsel appearing for the parties and further considering the facts that there is no direct evidence available on record against the applicant and co-accused persons have already arrested. 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.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 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