

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 685 of 2020**

Dinesh Kumar Dansena S/o Shri Narad Dansena, aged about 32 years, Occupation- Ration Salesman of Govt. Fair Price Shop, Marodarha, R/o Village Marodarha, Police Station Saria, Tahsil Baramkela, District Raigarh (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Station house Officer, Police Station Saria, District Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Roop Naik, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**19/08/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 80/2019 registered at police station – Saria, District Raigarh (C.G.) for the offence punishable under Sections 304 (A) of the IPC and Section 135 (1) (a) of the Chhattisgarh Electricity Act.
3. According to the case of the prosecution, the applicant is dealer of one fair price shop. On 21/10/2018, Deceased Narendra Malakar has died due to electrocution when he was closing the window of fair price shop. It is alleged that the applicant had connected a electricity

connection illegally and negligently in the fair price shop, due to which the Deceased died.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. There is no direct evidence which shows that the applicant had illegally obtained any electricity connection directly from wire by hooking. He further submits that the main offence i.e. Section 304 (A) of the IPC is bailable. With regard to offence under Section 135 (1) (a) of the Chhattisgarh Electricity Act, there is no complaint made by the electricity department in this regard, as required, therefore, he prays to extend the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the fact that offence under Section 304 (A) of the IPC is bailable in nature, without further commenting on other merit of the case, I am inclined to extend the benefit of 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 bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul