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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1052 of 2020

Bhagat Ram Kanwar S/o Late Ganesh Ram Kanwar, aged about 46 years, R/o Village Urga, Thana Urga, Tahsil And District : Korba, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through Police Chouki Rajgamar, Police Station: Balkonagar, District : Korba, Chhattisgarh

---- Respondent

For Applicant	: Mr. Anoop Majumdar, Advocate.
For Respondent/State	: Mr. Lalit Jangre, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order on Board

20.11.2020

1. The applicant has filed this First 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.304/2020, registered at Police Station: Balkonagar, District: Korba (C.G.) for the offence punishable under Section 304 & 308 read with 34 of IPC.
2. A report was lodged in the Police Station by the complainant Lakhan Singh who is the father of the deceased namely Suresh Singh. According to the case of prosecution, Suresh along with other workers was working on a electricity line and at the spot, a work was being conducted by the Private Contractor and there present Applicant was present as he was the Incharge/Junior Engineer of the Electricity Company. In the FIR, it was alleged that son of the complainant and other workers were made to work without proper safety measures and 11 KV Line which was undergoing was kept alive and due to which son of the complainant and other workers after remaining in contact with

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the said line suffered electric shock due to which, son of the complainant died and other co-accused persons got injured. On the basis of said, offence has been registered.

3. Learned counsel for the Applicant would submit that the Applicant was having charge of the work-in-supervision of the work as Junior Engineer of the Electricity Company and he had taken all due care and precautions to ensure the safety of the workers. During that time, electricity wire repairing was going on under the supervision of the contractor, the 11 KV Line cable was passing through the place of work of the workers and for this purpose under his instructions the subordinate have already kept off the electric wire. Later on, without notice and knowledge of the present Applicant, the line was switched on due to which the incident happened without any involvement of the present Applicant. It is next submitted that, the incident would not have happened, if the contractor provided proper safety equipment, hand gloves etc to the workers. It is further submitted by the counsel that if line was switched on, the present Applicant is not responsible for it, therefore, no case under Section 304 of IPC is made out, it is a case of Section 304 (A) of IPC therefore, he prays for grant of anticipatory bail to the Applicant.
4. On the other hand, learned state counsel would submit the material so far it has been collected by the investigation agency Prima Facie involves with present Applicant because the Applicant was the person-in-charge at the spot and he was the Junior Engineer, it was his responsibility to ensure that the electric line was switched of. He further submits that investigation is going on, charge-sheet has not been filed and the query report which was made by the Police Officer and the report submitted by the Executive Engineer, Prima Facie involves the present Applicant in this case.
5. I have heard learned Counsel for the parties.

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6. Taking into consideration the facts and circumstances of the case, particularly taking into consideration the response to the query given by the Executive Engineer that the present Applicant was the concerned Junior Engineer/Incharge of the spot where the incident happened and the main operative reason for death of Suresh was the 11 KV Line which was earlier switched off and was later on switched on while the work was going on, in my considered opinion, the present is not a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is rejected.
8. Learned counsel for the Applicant submits that the Applicant is willing to surrender, therefore, learned Court below be directed for early disposal of the case because the Applicant is Junior Engineer of the Electricity Company.
9. Considering the above, it is directed that, in case the Applicant surrenders and applies for grant of regular bail before the concerned Court below, the same shall be decided as early as possible, preferably, within three days.

Sd/-

(Manindra Mohan Shrivastava)
Judge