

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1499 of 2020**

- Kaushal Kumar Salame S/o Late Shri Nandlal Salame, Aged About 46 Years, Caste Gond, R/o Gram Metepar, Police Station Ambagarh Chowki, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

- The State Of Chhattisgarh Through The Station House Officer, Police Station Ambagarh Chowki , District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	Mr. Punit Ruparel, Advocate
For Respondent/State	Mr. Sameer Uraon, Government Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****16/12/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.178/2020 registered at Police Station Ambagarh Chowki, District Rajnandgaon (CG) for the offence punishable under Section 304 of the IPC.
3. The applicant, who is a Head Master in the Government School, was raising construction of his house at Village Metepar,

Rajnandgaon. When the construction was going on, one labourer namely deceased Dharmendra Kumar Sahu came in contact with 11 K.V. live electrical wire, which was passing at a distance of 5 ft. above the applicant's house. Due to electrocution, Dharmendra Kumar Sahu died.

4. Learned counsel for the applicant would submit that the applicant was not present in the house at the time of the occurrence and he had taken all precautions in the construction work and despite that, the labourer came in contact with the live wire due to his own negligence.
5. Learned counsel for the State would submit that the Electricity Department had served a notice on the applicant on 24.8.2020 cautioning him of the live electrical wire passing above his house yet the applicant did not take any precaution, therefore, he is responsible for the incident.
6. Having seen the case diary and considering the nature of allegations and also for the fact that the applicant is a Government Servant and was not present on the spot at the time of occurrence, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna