

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1521 of 2020**

1. Prahlad S/o Sarju Sahu Aged About 53 Years R/o Village Salkhand, Police Chowki-Bhanwarpur, Police Station And Tahsil Basna District Mahasamund Chhattisgarh
2. Nandkumar Sahu S/o Bedram Sahu Aged About 46 Years R/o Village Salkhand, Police Chowki-Bhanwarpur, Police Station And Tahsil Basna District Mahasamund Chhattisgarh
3. Banwari Jagat S/o Heera Singh Jagat Aged About 30 Years R/o Village Salkhand, Police Chowki-Bhanwarpur, Police Station And Tahsil Basna District Mahasamund Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Incharge Chowki Bhanwarpur, Police Station Basna District Mahasamund Chhattisgarh

---- Respondent

For Applicants	:-	Mr. Raghvendra Pradhan, Advocate
For Respondent-State	:-	Mr. Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**17/12/2020**

1. The applicants have preferred this application for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.477/2020, registered at Police Station Chowki- Bhanwarpur, Police Station Basna, District Mahasamund C.G. for offence punishable under Sections 304, 201, 34 of the I.P.C.

2. The present bail application survives for applicant No.1 Prahlad only because the bail application in respect of applicant No.2 Nandkumar Sahu and applicant No.3 Banwari Jagat has already been dismissed as having become infructuous vide order dated 01.12.2020.
3. As per the material available in the case diary, applicant has erected steel wire fencing in his agricultural field and was allowing flow of electric current through the said steel wire for protecting the crops from animals. Deceased – Omprakash came in contact with the wire fencing when electric current was flowing and died during the intervening night of 31.08.2020 and 01.09.2020.
4. It seems, applicant was not present at the spot at the time of incident. There is no material in the case diary showing the reason why the deceased Omprakash had come to the agricultural field of the applicant. It may be possible that he accidentally came in contact with the wire and sustained electric shock. Though, the applicant is negligent and responsible for flowing of electric current in the steel wire erect for fencing in his agricultural field but there does not seem to be any deliberate preparation for causing loss of human life.
5. Learned State counsel would oppose the prayer for grant of

anticipatory bail.

6. Considering the nature of allegation, in case of applicant No.1 Prahlad, I am inclined to release the applicant on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed in case of **applicant No.1 Prahlad** and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on executing 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 from disclosing such facts to the Court or to any police officer;

(iii) the applicant shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

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