

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7379 of 2019

- Rajesh Baghel S/o Bishmdev Baghel, Aged About 27 Years (Wrongly Mentioned As Rajesh Baghel Bishmdev Baghel), R/o Chhal, Sarasmar, Police Station Chhal, Raigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Chhal District Raigarh Chhattisgarh Taluka Kharsia, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Vivek Bhakta, Advocate
For Respondent-State	:-	Mr. Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

13/01/2020

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 186/2019 registered at Police Station - Chhal, District Raigarh (C.G.) for the offence punishable under Section 135 of the Electricity Act, 2003 and Section 304(A) of the IPC.

- The prosecution story, in brief, is that on 22.10.2019 (wrongly mentioned in the order as 22.02.2019) in the night, the applicant/accused was trying to irrigate the land from a dam of village with a tullu pump. It is also alleged that by using an illegal electric connection, irrigation was going on, in this incident due to electrocution Ramayan Mjhawar and one Ox were died. Based on this, offence has been registered. The present applicant has been taken into custody on 05.11.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant is only earning member of his family and there is no previous criminal incident against the applicant. Next submission is that as the applicant is in jail since 05.11.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the applicant is only earning member of his family and he is in jail since

05.11.2019 and as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit