

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 142 of 2021

- Tomendra Kumar S/o Late Makhan Lal Banjare, Aged About 22 Years R/o Village Bholapur, Thana Churiya, Tahsil Churiya, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station Churiya, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-Applicant

For Applicant	:	Shri Parag Kotecha, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy. G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

09/03/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 28.12.2020 in connection with Crime No.183/2020, registered at Police Station- Chhuriya, District Rajnandgaon(C.G.) for the offence punishable under Section 304 of the IPC and Section 135 of the Electricity Act.
2. Case of the prosecution is that the present applicant, who is the owner of Tent House, on the occasion of marriage in the house of Ganpat Ram Sahu took direct electric connection from the electric pole and one 7 years girl came into contact of the electric wire and died due to electrocution. Based on this, an offence has been registered against the applicant and he was arrested.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated and he has been falsely implicated in the case. He submits that on demand, the

applicant gave his tent to Ganpat Ram Sahu and fitted the tent and made electric fittings from the electric meter of Ganpat Ram Sahu, but Ganpat Ram Sahu called some person from Electricity Department and connected the electric fitting direct to the electric pole, therefore, no offence is made out against the applicant. He submits that charge sheet has been filed and trial is likely to take some for its conclusion, therefore, at this stage, the applicant may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail.
5. Having considered the submission made by learned counsel for the parties, the nature of allegations against the applicant; the detention period and charge sheet has been filed and conclusion of trial is likely to take some time, without further commenting on merits, I am inclined to grant bail to the applicant. Accordingly, the bail application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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 fact to the Court.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/
(Gautam Chourdiya)
Judge

