

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 640 of 2021**

Pushnath S/o Jagmohan Aged About 40 Years R/o Kodva,
Police Station And Tahsil Kusmi, District Balrampur-
Ramanujganj (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer,
Police Station Kusmi, District Balrampur- Ramanujganj
(Chhattisgarh)

---- Respondent

For the Applicant :	Shri Jitendra Shrivastava, Advocate
For the State :	Dr. (Ms.) Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya

Order On Board**01/04/2021**

1. This is the first bail application under Section 439 of the CrPC for grant of regular bail to the applicant, who has been arrested on 08/12/2020 in connection with Crime No. 147/2020, registered at Police Station Kusmi, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 304 of IPC and Section 135 of Electricity Act, 2003.
2. Case of the prosecution in brief is that the applicant, son of the deceased Shamim, had installed a tullu pump in his agricultural field near his house. On 07/10/2020 when the deceased Shamim went to switch on the tullu pump, he came in contact with the electric wire of the said pump which had many cuts and died due to electrocution, hence the aforesaid offence has been registered against the applicant.
3. Learned counsel for the applicant submits that applicant is an innocent person and not committed any offence. He submits that the applicant is in jail since 08/12/2020, charge sheet has been filed and trial is likely to take some time for its disposal. He also submits that the applicant has no criminal antecedent. Therefore,

the present applicant be released on bail.

4. On the other hand, learned counsel for the respondent/State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the fact that the applicant is in jail since 08/12/2020, looking to the nature of allegation made against the applicant, the fact that the applicant has no criminal antecedent and there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and the trial is likely to take some time for disposal, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on the following conditions:-

1. 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,
2. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
3. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
4. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Court.

Sd/-

(Gautam Chourdiya)
Judge