

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1257 of 2021**

1. Chuiria Nageshiya, S/o Gujra Nageshiya Aged About 25 Years
 2. Nohar Saay Nageshiya S/o Ghuran Nageshiya Aged About 23 Years
 3. Mahesh Nageshiya S/o Mallu Nageshiya Aged About 19 Years
- All Resident of Lalitpur, Thana Shankargarh, District Balrampur Ramanujganj, Chhattisgarh

---- Applicants (In jail)**Versus**

- State Of Chhattisgarh Through The Police Station - Shankargarh, District Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	: Shri AK Yadav, Advocate
For Respondent/State	: Shri Roshan Dubey, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

23.07.2021

1. Applicants have preferred this application under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No. 129 of 2020 registered at Police Station- Shankargarh, Balrampur Ramanujganj, Chhattisgarh for the offence punishable under Section 304 of IPC and Section 135 of Electricity Act.
2. Case of the prosecution, in brief, is that on 10.10.2020, present applicants along with one Vijay Nageshiya and Deepak Nageshiya, went to 'Kachhar Nala' for fishing through live electric wire. While they were fishing in the Nala, Deepak Nageshiya suffered electric shock and died on the spot. Incident was initially intimated to Dinesh Nageshiya, brother of deceased and thereafter, merged was intimated to concerned Police Station. After preliminary enquiry, FIR was registered against present applicants and Vijay Nageshiya on 04.12.2020.

3. Shri AK Yadav, learned counsel for the applicants submits that as per allegations, it is present applicants along with Vijay Nageshiya and deceased Deepak Nageshiya, went for fishing by putting live electric wire in Nala and in course of fishing, Deepak Nageshiya suffered electric shock and died. There was no allegation against present applicants that they have caused death of Deepak Nageshiya, for any reason. Death was accidental, applicants were arrested on 04.01.2021, and there are no criminal antecedents against applicants. Hence, they may be enlarged on bail.

4. Shri Roshan Dubey, learned State counsel opposing the submissions of learned counsel for the applicants, submits that in statement of Dinesh Nageshiya, brother of deceased, it has come that applicants along with deceased and Vijay Nageshiya, took electricity connection from Pump-house of Ibra Nageshiya. When he warned them regarding any mis-happening and asked them to stop fishing through live electric wire, they decided to go some other place and asked present applicant to fold the wire after disconnecting it from electric line. The others started fishing over near by place and upon asking by the deceased whether he can fold the wire, they allowed him to do so, and this is how deceased suffered electric shock. He submits that in view of aforementioned statement, applicants are not entitled for bail.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation levelled against the present applicants, material collected by Police, wherein it is mentioned

that present applicants along with Vijay Nageshiya and deceased Deepak Nageshiya regularly used to do fishing by putting live electric wire in Nala and when deceased started folding the wire, he suffered electric shock, applicants were arrested on 04.01.2021, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE