

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 537 of 2021

- Ramesh Pal S/o Late Shri G.L. Pal Aged About 61 Years R/o NF-42, Pattharipara, Korba, Police Station- Kotwali, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station- Darri, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashutosh Shukla, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/07/2021

1. The applicant has filed this second bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending her arrest in connection with crime no. 117/2020, registered at Police Station Darri, Distt. Korba, Chhattisgarh for the offence punishable under Section 304, 34 of the IPC.
2. First bail of the Applicant was dismissed as withdrawn vide order dated 04.11.2020 passed in MCRCA No. 1213/2020.
3. According to the case of prosecution on 07.07.2020, deceased Ramesh Gond who was working as a worker under the Applicant's firm namely M/s Mahamaya Enterprises. In the installation of Profile Sheet in CSEB (West) Plant, the deceased fall down from 25 feet height at the time of installation and got injured and received injuries in Brain as a result of which he died. On the basis of above, Police has registered the case against the Applicant.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. Ingredients of the alleged offence are not attracted. If the entire case of prosecution taken as it is, the act committed by the Appellant falls within the ambit of Section 304-A of the IPC only. He further submits that After the incident, the Applicant rushed to the spot and arranged vehicle for the deceased as well as made the payment of Rs. 1,00,000 to the family members of the deceased. He also provided other necessary benefits to the family members of the deceased. The Counsel lastly submits that the Applicant has also provided job to the wife of the deceased in his firm, presently she is working in his firm and now she has no objection, if the bail may be granted in favour of the Applicant. An affidavit of Smt. Bhuneshwari Gond wife of the deceased is also filed along with this bail application. Hence, it is prayed that the Applicant may be granted benefit anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel appearing for the parties, perused the case diary and other material available on record.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties particularly considering the fact that all the necessary benefits have already been provided by the Applicant to the family members of the deceased and wife of the deceased has no objection if the bail may be granted in favour of the Applicant. In my considered view, without further commenting on merits of the case, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he

shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant 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/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge