

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 731 of 2021**

Gajanand Patel S/o Bhagirathi Patel, Aged About 65 Years,
Resident of Village Kunjedabhri Out Post Jut Mill of P.S. City
Kotwali, District Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through out post jut mill of P.S. City
Kotwali District Raigarh Chhattisgarh.

---- Non-applicant

For Applicant : Shri Kamal Kishor Patel, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

03.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.661 of 2021, registered at Police Station Out Post Jut Mill of City Kotwali, Raigarh (C.G.) for offence punishable under Section 304-A of IPC and Section 135 of Electricity Act, 2003.
2. Case of the prosecution in brief, is that, on 14.03.2021 deceased Shweta Paw along with her friend Ku. Heena Paw went to agricultural field, while she was crossing the agricultural field of applicant, she slipped and came into contact with barbed fencing and suffered electric shock. The incident was reported to father of deceased by one Dashrath. When Komal Prasad reached to the spot, the incident was informed by Heena Paw/friend of deceased

as to manner, in which, accident took place and deceased suffered electric shock. During the course of investigation, it revealed that applicant had taken electric connection by extending wire illegally for the purpose of irrigation of field, which he had taken on rent/lease from Parasram. The merg was reported to concerned Police Station, based upon which, First Information Report was registered on 23.05.2021.

3. Shri Kamal Kishor Patel, learned counsel for the applicant submits that alleged offence under Section 304-A of IPC is bailable offence. He further submits that other offence which has been alleged against the application under Section 135 of Electricity Act, 2003, is compoundable under Section 152 upon depositing money before appropriate Government or any Official authorized by it in this behalf. He pointed out that applicant has deposited an amount of Rs.87,610/- and certificate is also issued by the Office of Executive Engineer and Divisional Electricity Inspector on 14.06.2021 in this regard. It is contended that even now, Police is harassing the applicant, hence, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri B.P. Banjare, Deputy Govt. Advocate representing the State vehemently opposes the bail application and submits that deceased Shweta Paw died due to electric shock after coming into contact with barbed fencing wire in the field of applicant. However, he does not dispute the certificate placed on record as Annexure A/2 along with covering memo dated 23.06.2021 of deposit of an amount of Rs.87,610/-.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, the manner, in which, deceased Shweta Paw suffered electric shock and certificate has been issued by Executive Engineer and Divisional Electricity Inspector of the CSPDCL, Raigarh dated 14.06.2021, I am inclined to release the present applicant on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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 facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge