

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1326 of 2020

Ganesh Ram Sahu S/o Jugeshwar Sahu Aged About 25 Years Resident
Of 81 Road, Kota , District Bilaspur Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Sirgitti, District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh ---- **Respondent**

MCRCA No.1600 of 2020

G Rama Rao S/o G Apanna Aged About 34 Years R/o Sai Prabha
Apartment, Uslapur Bilaspur Chhattisgarh ---- **Applicant**

Versus

State Of Chhattisgarh Through Police Station Sirgitti, District Bilaspur
Chhattisgarh ---- **Respondent**

For Applicants	:	Mr. B.P. Sharma, Advocate with Mr. Manay Nath Thakur, Advocate
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.
For Objector	:	Mr. K.N. Nande, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/02/2021

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.348/2020 registered at police station – Sirgitti, Bilaspur (C.G.) for alleged commission of offence under Section 304 read with 34 of IPC and 79 of Juvenile Justice Act, 2015.
2. The bail applications are being disposed off by this common order as they arise out of the same crime number.
3. Case of the prosecution is that due to failure of electrical maintenance, live electric wire caused running of electricity in the crane and the victim came in touch with the same and died at the spot.

4. Learned counsel for the applicant would argue that the applicant G. Rama Rao, the owner of the factory and as far as maintenance part is concerned, it has to be done by the concerned Incharge of the factory. Therefore, he cannot be involved in the case on any count whatsoever though he may have other civil liability of compensation being the owner of the factory. In addition, there is no specific allegation of commission of any offence under the Factory Act.

5. As far as Ganesh Ram Sahu, Supervisor is concerned, it is submitted that it was a case of simple accident. The worker who died at the spot was not involved in any electric work but he was engaged in the work of manufacture of cement pole but due to accident he came in touch with the crane which got in touch with a live electric wire and due to electric shock accident took place and therefore, at the most, even if it is held that Ganesh Ram Sahu did not take any steps to ensure proper electrical maintenance, the criminal overt act would not travel beyond the scope of 304-A of IPC.

6. On the other hand, learned counsel for the State and Objector oppose the prayer for grant of bail and submits that during investigation and collection of material, it has come on record in the form of statement that the workers were continuously giving information to the applicants regarding there being risk of electric shock due to improper maintenance but no care was taken. Only a day before the date of incident which was informed that even then no care was taken and running of electricity in the crane was result of the failure of maintenance and supply on the part of the applicants.

7. Having considered the submission of learned counsel for the parties, as far as applicant- G. Rama Rao is concerned, he was the owner of the factory and that the report dated 20.08.2020 of Deputy Director Industrial Health and safety has stated regarding lack in maintenance as the main cause of the accident, bail application of **G. Rama Rao** is allowed.

8. However, Ganesh Ram Sahu is concerned, this Court finds that even if day before the incident specific complaint was made regarding there being problem in the electrical system and one person already suffered electric shock but no steps was allegedly taken resulting in death on the next day due to electric shock, therefore, application of **Ganesh Ram Sahu** is rejected.

Learned counsel for the applicant-Ganesh Ram Sahu would submit that he is willing to surrender before the Court below and apply for grant of regular bail. It is submitted that as co-accused-Bajrang Pandey has granted regular bail by this Court, the Court below may be directed to consider his bail application on the same day.

9. Considering the aforesaid submission, application of applicant-**Ganesh Ram Sahu** is dismissed as withdrawn with liberty to apply for grant of regular bail after surrender. In case, the applicant – **Ganesh Ram Sahu** surrenders and applies for grant of regular bail, the Court below shall consider his application as early as possible in any case not later than three days.

10. Accordingly, it is directed that in the event of arrest of the **applicant-G. Rama Rao** in connection with the aforesaid offence, the applicant-**G. Rama Rao** shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant-**G. Rama Rao** shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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