

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6211 of 2021**

- Santosh Sai, S/o Late Abir Sai, aged about 52 Years, Caste Kanwar, R/o Village Kandadhodha, Tahsil Farsabahar, District Jashpur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Tapkara, District Jashpur, Chhattisgarh.

----Non-applicant

For Applicant Mr. Jitendra Kumar Saxena, Advocate.

For State Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

16/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.57/2021 registered at Police Station Tapkara, District Jashpur, C.G. for the offence punishable under Section 304 of Indian Penal Code and Sections 138 & 146 of Central Electricity.
2. As per the prosecution story, applicant for saving his family from the elephants, he laid live electric wire around his house and on 27.06.2021 at about 12:00 pm, deceased Anita Paikra went to the house of applicant and when she opened the gate, she came in contact with that live electric wire and died due to electrocution.

3. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that no offence was committed by the present applicant. Applicant is in jail since 27.07.2021 and due to COVID 19-pandemic conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that applicant has no criminal antecedents.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the applicant, further considering the fact that the Jashpur is highly elephants affected area, the detention period of the applicant, who is 52 years old, charge sheet has already been filed, the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond in the sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) 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,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh