

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8981 of 2020**

- Bajrang Pandey, son of Late Ramchandra Pandey, aged about 45 years, resident of Village Bari Umrao, Tehsil Pendra, District Gourela-Pendra-Marwahi, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through: the Station House Officer, Police Station Sirgitti, Bilaspur, District Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant	: Shri K.N. Nande, Advocate
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****13/01/2021**

- 1) Heard
- 2) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in custody since 11.10.2020 in connection with Crime No. 348/2020 registered at Police Station Sirgitti, District Bilaspur, Chhattisgarh for the offence punishable under Section 304 read with Section 34 of the IPC and Section 79 of Juvenile Justice Act.
- 3) The prosecution story in brief is that present applicant was working as Contractor, Ganesh Ram Sahu was working as Supervisor whereas G. Ramarao was owner of M.H. Factory, in which electric cement poles were manufactured and the applicant usually engaged the labours for working in the said factory. It is alleged that daily wages labours have been engaged by the applicant, in which some of them labours were below 18 years of age and on the date of incident one of the child

labour, aged about 17 years aged crossed the necked electric wire and came into surface of electric shock and as a result of which he died on the spot itself.

- 4) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question as he was working as Contractor in the M.H. Factory but he is not present in the factory on the date of incident due to Covid-19 and it is the duty of Supervisor and Owner of the Factory to verify the age of the labourers before engaging them for factory work. He submits that the applicant has no intention at all to cause any offence, even otherwise, he is local resident of Village Bari Umrao, Tehsil Pendra and he has no criminal antecedents. He submits the applicant has been arrested on 11.10.2020 and the charge sheet has already been filed and the trial is likely to take time for its final disposal and no useful purpose would be served in further detaining him in jail. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly the fact that the present applicant was working as a Contractor in the MH Factory at the relevant time but he is not present in the Factory on the date of incident and the allegation of committing aforesaid offence is made against all three persons namely Ganesh Ram Sahu -Supervisor, G. Ramarao, owner of the factory and the present applicant and, therefore, the fact that who is actually responsible for the incident, it can be considered on merits and looking to the material available on record in the trial; further considering the fact that applicant has been arrested on 11.10.2020; charge sheet has already been filed and the fact that there is no apprehension of the accused/applicant tampering with the evidence or absconding as stated by counsel for the parties and the fact that the applicant has no criminal antecedent as admitted by counsels for the

parties and that disposal of the trial is likely to take some time and, without commenting on merits of the case; the bail application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- 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 not involve himself in any offence of similar nature in future.

Certified copy as per rules.

Sd/-

**(Gautam Chourdiya)
Judge**

D/-