

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.9222 of 2020**

- Motu @ Baleshwar (Wrongly Mention In The Order As Mattoo) S/o Etava (But Wrongly Mention In The Order As Atwa Ram) Aged About 25 Years R/o Village Parsagudi Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Rajpur District Balrampur Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent**Present:-**

Shri A. N. Pandey, counsel for the applicant.
Shri Lalit Jangde, GA for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

12/04/2021

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.143/2020 registered at Police Station Rajpur, Distt. Balrampur for the offence punishable under Section 304/34, 324 of the IPC and Section 135 of the Electricity Act, 2003. The applicant was arrested on 30-07-2020.
2. Prosecution case is that on 27-07-2020, when the deceased-Sudhir was crossing through forest area along with Suraj dev and another, he came in contact with live electric wire and died of electrocution. During investigation, co-accused were arrested and from their memorandum, it was revealed that the present applicant was involved in laying electric wire.
3. Learned counsel for the applicant would submit that involvement of the present applicant in this case is based only on memorandum of co-accused, but no recovery of any incriminating articles have been made from the applicant. Therefore, the present is a case of no evidence, as far as the present applicant is concerned. He would submit that in this case, investigation is complete and charge sheet has been filed and the applicant is in jail since 30-07-2020,

therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes the bail application by submitting that the co-accused, who were arrested, from their possession, electric wire and other articles have been seized and from their memorandum, the present applicant has been involved in this case.

5. Taking into consideration the submission made by learned counsel for the parties, material contained in the charge sheet and the fact that involvement of the applicant is based on his name mentioned in the memorandum of the co-accused, but, according to the prosecution, no electric wire was seized from the possession of the present applicant and further that there is no eye-witness of the incident and that in this case, investigation is complete and charge sheet has been filed and the applicant is in jail since 30-07-2020, I am inclined to enlarge the applicant on bail.

6. Accordingly, the bail application(M.Cr.C.No.9222 of 2020) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety for the like amount to the satisfaction of the Trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge