

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6419 of 2015

1. Jaitram Rathiya, S/o. Markandey Rathiya, aged about 58 years, R/o. Village- Gindola, Police Station -Bhupdevpur, Civil and Revenue District – Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station - Bhupdevpur, District – Raigarh (Chhattisgarh)

---- Respondent

For Applicant	:	Ms. Deepali Pandey, Advocate
For Respondent/State	:	Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.108/2015, registered at Police Station – Bhupdevpur, District – Raigarh (C.G.) for the offence punishable under Section 304, 34 of I.P.C.
2. Case of the prosecution, in brief, is that the applicant in order to save rabi crops i.e. paddy and wheat from destruction by wild Pig made a fencing by naked electric wire of 1100 volt and on the date of incident, deceased Narayan Sarthi while passing through field came in contact with naked electric wire and died due to electrocution.
3. Learned counsel for the applicant would submit that charge sheet in this case has been filed and according to the map, the field wherein the fencing is to be made is not belonged to Chandramani Rathiya but

it actually belonged to Dilip Rathiya, who has been made witness in order to save the real culprits. The counsel would further submit that the applicant is in jail since 06.07.2015, therefore, she prays that the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and the nature of allegation and controversy raised regarding ownership of the land and considering the detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge