

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5751 of 2015

1. Samay Nath Manjhi, S/o. Ratan Singh, Aged About 28 Years.
2. Karam Singh, S/o. Nohar Sai, Aged About 46 Years.
3. Dayaram Sidar, S/o. Salikram Sidar, Aged About 45 Years.
4. Chandra Kumar, S/o. Heeraram Yadav, Aged About 28 Years.
5. Dhaniram, S/o. Sukh Sai, Aged About 35 Years.
6. Ramkumar (wrongly mentioned as Rakumar in impugned order)
S/o. Phool Singh Rathiya, Aged About 25 Years.
7. Ram Singh, S/o. Beejaram, Aged About 40 Years, Caste Manjhi.

All R/o. Village Chirramuda, Police Station Tamnar, District Raigarh
Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, Police
Station Tamnar, District Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Ashish Gupta, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.198/2015 registered at Police Station- Tamnar, District Raigarh (C.G.) for the offence punishable under Sections 304, 201, 34 of the Indian Penal Code.
2. Case of the prosecution is that the applicants spread the electric line in his field which was electrified with 11 K.V. current and because of that one person namely Bodhram who came in contact with such current died.

3. Learned counsel for the applicants submits that the fencing was made to save the crop from the wild animal and the applicants have not committed any offence as there is no intention to commit such death; consequently, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the investigation is carried out and looking to the fact that fencing was made with the live electric line whereby one person came in contact and died and further considering the nature of offence and since the investigation is still going on, I am not inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge