

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7072 of 2015

- Resham Lal S/o Nathulal Satnami Aged About 30 Years R/o Village Gindola Thana Bhupdevpur, Tah. Kharsia, Distt. Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer Bhupdevpur, Distt. Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Neelkanth Malviya, Advocate
For the Respondent	:	Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.12.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 108 of 2015 registered at P.S. Bhupdevpur, Distt. Raigarh (C.G) for the offence punishable under Section 304 read with Sec. 34 IPC.
2. Case of 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 the field came in contact with the naked electric wire and died due to electrocution.
3. Learned counsel for the applicant submits that the 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. It is further submitted that other accused

Jaitram Rathiya has been granted bail by this Court in M.Cr.C.No.6419/2015 decided on 01.12.2015. He further submits that the applicant is in jail since 06.07.2015, therefore, he prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he do not dispute the fact that other similarly placed co-accused has been released on bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary.
6. Having regard to the fact that the charge sheet in this case has been filed and the nature of allegations and controversy raised regarding ownership of the land and considering the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.6419/2015 and further looking to the detention of the applicant, I am inclined to release this applicant also on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the trial Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**