

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5496 of 2015

Neel Kamal Loniya @ Neelu, aged about 22 years, son of Bihari Loniya,
R/o. Village Ghutku, P.S. Koni, District Bilaspur (CG)

---- Applicant

Versus

State of Chhattisgarh, Through: S.H.O. of P.S. Koni, District Bilaspur (CG)

---- Non-applicant

For Applicant: Mr. N.K.Chaterjee, Advocate.

For Non-applicant: Mr. Anupam Dubey, Dy.Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board12/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.164/2015, registered at Police Station Koni, Distt. Bilaspur, for the offence punishable under Section 304 (2)/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant made barbed wire fencing in his field and also charged the barbed wire with electricity, deceased Sushila came into contact with it on 1-8-2015 and died by electric shock i.e. electrocution.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in jail since 27-8-2015. There is no evidence that the applicant has charged the barbed fencing wire with live electricity. He would further submit that similarly situated co-accused persons namely Dhannulal and Kedar Loniya have been enlarged on bail by this Court vide order dated 21.9.2015 passed

in M.Cr.C.No.4953 of 2015 and case of the present applicant is similar to that of co-accused and therefore, he may also be enlarged on bail.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, his pre-trial detention, submissions of learned counsel for the applicant and the fact that bail was granted to co-accused Dhannulal Loniya and Kedar Loniya, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge