

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1933 of 2016

1. Nohar, S/o Nansai, aged about 45 years, R/o Devgarh, Patelpani, Police Station Sitapur, Distt. Surguja (C.G.)
2. Santosh, S/o Hariprasad Bargah, aged about 22 years, R/o Devgarh, Patelpani, Police Station Sitapur, Distt. Surguja (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Sitapur, Distt. Surguja (C.G.) (wrongly mentioned as Electricity Distribution Company Limited, Sitapur, Distt. Surguja)

---- Non-applicant

For Applicants:	Mr. Sanjeev Verma, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board11/04/2016

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.3/2016, registered at Police Station Sitapur, Distt. Surguja, for the offence punishable under Sections 304, 201 read with Section 34 of the IPC and 135 of the Electricity Act, 2003.
2. Case of the prosecution, in brief, is that deceased Timna Korva came into contact with the naked electric wire fixed by the applicants to kill wild animals, and died.
3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case. It is not the naked electric wire fixed by the applicants because of which the deceased died. The applicants are in custody

since 4-1-2016. Charge-sheet has been filed and no custodial interrogation of the applicants is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel 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 applicants, their pretrial detention, charge-sheet has been filed and no custodial interrogation of the applicants is required, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that applicants Nohar and Santosh be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge