

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 215 of 2016

Suresh Kumar Dhimar, S/o. Nandkumar Dhimar, Aged About 28 Years,
R/o. Village Funda, P.S. Ranchirai, Civil & Revenue District - Balod,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : P.S. Ranchirai, Civil & Revenue Distt.
Balod, Chhattisgarh

---- Respondent

For Applicant : Mr. Mayank Chandrakar, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.300/2015, registered at Police Station– Ranchirai, District Balod (C.G.) for the offence punishable under Section 302, 201/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased Laxman Meshram had married to the daughter of Budhlal Dhimar. On 12.09.2015, Laxman Meshram and his wife Gunnu were going to village Funda to their in-laws and in order to get them, the applicant alongwith other co-accused Budhlal went there and on their way they consumed liquor and when Laxman was intoxicated he was dragged into the pond knowing fully well that he did not know swimming. Thereafter, the deceased Laxman died due to drownyness.

3. Learned counsel for the applicant submits that the other co-accused was also present and the entire allegation has been attributed to Budhlal Dhimar, which was supported by the eye-witness Gangu, therefore, the present applicant 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. Perused the statement of Gulab Rao. He has stated that he saw at that time three persons who were drunk were quarreling with each other and one person who was more intoxicated and two person standing in the third step and one person after some dispute dashed to other person into the pond. Considering the statement of the eye-witness along with the memorandum statement of Budhlal Dhimar, the allegations were attributed to one person which is corroborated by the memorandum statement of Budhlal, the other co-accused; therefore, taking into the role played by this applicant, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of 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