

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4277 of 2016

1. Narendra Bhushan Netam S/O Late Sammar Singh Aged About 40 Years R/O Village Khondra, Police Station Seepat, Civil & Revenue District Bilaspur, Chhattisgarh
2. Sukaal Singh Uike S/O Bisahu Uike Aged About 30 Years R/O Village Khondra, Police Station Seepat, Civil & Revenue District Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station Seepat, District Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. P.P. Sahu Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 9-12-2015 in connection with Crime No. 289 of 2015, registered at Police Station Seepat, District Bilaspur (CG) for the offence punishable under Sections 304 (1), 201, 34 of the IPC and Section 135 of the Electricity Act.
2. Case of the prosecution, in brief, is that from 15-11-2015 son of the complainant was missing for which a missing report was made by the father of the victim on 22-11-2015 and thereafter on 9-11-2015 merg was reported and on search some ashes were found near canal. Subsequently, investigation reveals that applicants have laid down the live electricity wire in their field and the deceased came into contact with that and died and thereafter his dead body was burnt in the field and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, no evidence is available on record to show that the applicants have laid down the live electricity wire and the deceased came into contact with that wire and died. He would further submit that some of the bones which were recovered were also not known as to whether such bones were of the child or not and it is on suspicion the applicants have been arrested. He would further submit that the applicants are in jail since 9-12-2015, charge-sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and documents. Primarily it appears that a case is registered on the memorandum of the applicants.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the recovery was made on the basis of the memorandum and also the fact that the charge-sheet has been filed and the applicants are in jail since 9-12-2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

