

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7414 of 2017**

1. Surendra S/o Purushottam Kalyan, aged about 30 years, R/o Choriya, P.S. Saragaon, District Janjgir-Champa, at present R/o Rashmi Sponj Siltara, Raipur, District Raipur, Chhattisgarh
2. Sadanand S/o Purushottam Kalyan, aged about 22 years, R/o Choriya, P.S. Saragaon, District Janjgir-Champa, at present R/o Rashmi Sponj Siltara, Raipur, District Raipur, Chhattisgarh

---- Applicants**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Dharsiwa, Civil and Revenue District Raipur, Chhattisgarh

---- Respondent

For Applicants	: Shri Pushpendra Ku. Patel, Advocate
For Respondent/State	: Shri Garry Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/12/2017**

The present application has been filed u/s 439 of Cr.P.C. for grant of bail to the applicants who have been arrested in connection with Crime No. 351/2017 registered at Police Station Dharsiwa, District Raipur (CG) for the offence punishable under Sections 304, 34, 323 of IPC. The applicants are in jail since 16.08.2017.

2. The case of the prosecution is that the present applicants in connivance with other co-accused are said to have assaulted deceased Kirtan Singh who got electrocuted when he came in contact with a J.I. wire which was connected to the electricity post.

3. Counsel for the applicant submits that sheer reading of the merge and the statement recorded during investigation would reveal that it was an accidental death which the deceased suffered and that the applicants never

had any intention of killing any person much less the deceased in the instant case. Thus, prayed for releasing the applicant on bail.

4. State counsel, however, opposes the bail application.

5. Considering the total facts and circumstances of the case, particularly the nature in which the accident occurred and the role played by the present applicants and also keeping in view the period of custody already undergone by them, this Court is of the opinion that it is a fit case for grant of bail to the applicants.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE