

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 758 of 2017

1. Arkhit Behara S/o Hari Behara, Aged About 65 Years R/o Saraipali, Police Station Saraipali, District Mahasamund Chhattisgarh
2. Bhuneshwar, S/o Arkhit Sodhi, Aged About 42 Years R/o Saraipali, Police Station Saraipali, District Mahasamund Chhattisgarh

---- **Petitioners**

Versus

- State of Chhattisgarh Through The Station House Office, Police Station Saraipali, District Mahasamund Chhattisgarh

---- **Respondent**

For Applicants : Mr. Raghavendra Pradhan, Advocate

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

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 17-12-2016 in connection with Crime No. 346 of 2016, registered at Police Station Saraipali, District Mahasamund (CG) for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that on 15-10-2016, the applicants over a dispute with respect to the land entered into altercation with the deceased as he was objecting to the construction made by them and when it aggravated deceased caught hold of live electric wire which caused death and thereby the applicants abetted such commission of offence.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case and they have not abetted any commission of offence. He would further submit that charge-sheet has been filed in this case, the applicants are in jail since 17-12-2016 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, perused the case diary and other documents appended to the bail petition.
6. Perused the statement of Sumukhi, daughter-in-law of the deceased.
7. Taking into consideration the facts and circumstances of the case, considering the statement of daughter-in-law of the deceased, nature of allegations leveled against the applicants and proximity of crime and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 17-12-2016, this court is inclined to release the applicants on bail.
8. 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

