

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 147 of 2017

Rajesh Kurrey S/o Panchulal Kurrey, aged about 25 years, occupation Labour, R/o Mauhapali, Police Station & Tahsil Kharsiya, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through, Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

and

M. Cr. C. (A) No. 178 of 2017

Tukaram S/o Yadram, aged about 32 years, Caste Satnami, R/o Village Mouhapali, Tahsil & Police Station Kharsiya, District Raigarh, Chhattisgarh.

---- Applicant

Vs

State of Chhattisgarh through Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh

---- Respondent

For Applicants	:	Smt. Indira Tripathi and Smt. Renu Kocher, Advocates
For Respondent/State	:	Shri N. K. Mehta, Panel Lawyer
For Objector	:	Shri M. K. Jaiswal, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

08/05/2017

Both the applications under Section 438 of Cr.P.C. have been filed seeking for grant of anticipatory bail to the applicants apprehending their arrest in connection with Crime No. 291/2016 registered at P.S. Kharsiya District Raigarh (CG) for the offence punishable under Section 304/34 of IPC

The case as per the prosecution is that both the applicants along with deceased Domram were taking training under the main accused Dorilal of catching snakes. In the process, the main accused in connivance with the present applicants is said to have caught hold a snake and made it bite the

deceased Domram on account of which he succumbed to the snake bite on 17.08.2013. The record shows that the date of incident is 17.08.2013, merger intimation was lodged on the very next day i.e. 18.08.2013, postmortem was also conducted on 18.08.2013 and the cause of death was found to be snake bite. On the same day i.e. 18.08.2013, the statement under Section 161 CrPC of the father of the deceased namely Nathuram was recorded who in his statement has not made any allegation against the applicants or for that matter against any other person and has only made an averment of the deceased getting a snake bite resulting in his death. It is only after about three years time that the objector Neela Ram who is the brother of the deceased has filed a complaint on the basis of which the present crime number has been registered and the applicants have been implicated in the said case.

A perusal of the case diary as also on a specific query being put to the State counsel, there does not seem to be any specific allegation of the applicants being involved in the act which resulted in the death of the deceased.

Thus, in the given facts and circumstances of the case, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicants shall 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 Officer arresting them and they shall abide by all the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such

facts to the Court or to any police officer;

(iii) that the Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the Applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge

Bhola