

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3390 of 2017

1. Ganda Rai Rathiya & Others S/o Baiga Ram Rathiya, Aged About 50 Years Ouucpation Cultivation & R/o Village Kurra Police Station & Tahsil Lailunga, District Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.
2. Shiv Prasad Rathiya, S/ Jaglal Rathiya, Aged About 35 Years Ouucpation Cultivation & R/o Village Kurra Police Station & Tahsil Lailunga, District Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.
3. Gendilal Dokraram Rathiya Aged About 60 Years (Wrongly Mentioned In Impugned Order Fathers Name As Karam Sai Rathiya) Ouucpation Cultivation & R/o Village Kurra Police Station & Tahsil Lailunga, District Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.
4. Dilsai S/o Dhobi Ram Rathiya, Aged About 50 Years Ouucpation Cultivation & R/o Village Kurra Police Station & Tahsil Lailunga, District Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.
5. Sarthi Ram (Wrongly Mentioned In Impugned Order Fathers Name As Karam Sai Rathiya) S/o Prem Sai Rathiya, Aged About 30 Years Ouucpation Cultivation & R/o Village Kurra Police Station & Tahsil Lailunga, District Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.
6. Santosh Chauhan S/o Madhoram Chauhan Aged About 41 Years Ouucpation Cultivation & R/o Village Kurra Police Station & Tahsil Lailunga, District Raigarh, Civil & Revenue District- Raigarh, Chhattisgarh.

---- Applicants (in jail)

Versus

- State Of Chhattisgarh Through: Thana In- Charge, Lailunga, District- Raigarh,

---- Respondent

For Applicant	:	Shri Rajendra Tripathi, Advocate
For Respondents/State	:	Shri Dilman Rati Minj, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/06/2017

1. The present applicants are in jail since 12.02.2017 in connection with Crime No. 40/2017 registered at Police Station Lailunga, Dist. Raigarh (C.G.), for the commission of offence punishable under Section 304, 201/34 of the I.P.C. & 135 of the Electricity Act.

2. Case of the prosecution, in brief, is that the main accused is one Jai Prakash, at whose instance, the present applicants are said to have installed fencing, on which, live electricity wire was provided so as to keep the wild animals away from entering into the fields. However, on the date of incident, i.e., intervening night of 10.02.2017 to 11.02.2017, the deceased persons came into contact with the live electricity wire and succumbed to the injuries.

3. Learned counsel for the applicants submits that the present applicants are labourers, who had installed the fencing at the instance of the main accused Jai Prakash and on which a live electricity wire was provided and had gone as per the instructions of Jai Prakash. He also submits that the land in which the live electricity wire was provided was owned by the accused Jai Prakash and does not belong to the present applicants. The allegation against the present applicants are that they are acting at the instance of Jai Prakash, and therefore, the present applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that it is the present applicants, who had installed the fencing and had connected it with a live electricity wire and if the present applicants would not have done, then the incident would not have occurred.

5. Having considering facts and circumstances of the case, particularly, considering the fact that the land where the incident took place is that of Jai Prakash and that the case of the prosecution is that the present applicants have acted at the instance of main accused Jai Prakash, this Court is of the opinion that it is a fit case, in which, prima facie, the present applicants are entitled to grant bail.

6. Accordingly, the present bail application is allowed. It is directed that in case if the applicants furnish a personal for a sum of Rs.25,000/- with one surety of the like amount each to the satisfaction of the concerned trial Court, then he shall be released on bail. 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)
V. Judge

/Anjani/