

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5071 OF 2017

1. Somlal Sahu, S/o Jaitram Sahu, aged about 33 years, R/o Village Narharpur, P.S. and Tahsil Narharpur, District North Bastar Kanker (C.G.)
2. Umendra Kumar Markam, S/o Ram Lal Markam, aged about 22 years, R/o Village Dudumbahara, P.S. and Tahsil Narharpur, District North Bastar Kanker (C.G.)

... Applicants

Versus

State of Chhattisgarh, through the Police Station Narharpur, District North Bastar Kanker (C.G.)

... Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate.
For Respondent-State	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

30/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicants who are in jail since 6.7.2017 in connection with Crime No.89/2017 registered at Police Station- Narharpur, District- North Bastar Kanker, for the offence punishable under Section 304/34.
2. Allegation against the Applicants as per the prosecution case is that in the course of carrying out of masonry work the wall which was being demolished, got crashed and a portion of it fell upon the deceased-Anjali Netam which resulted in grievous injuries on her head to which she later succumbed.
3. Learned Counsel for the Applicants submits that that the accident is a total accidental case and there was no intention of any of the Applicants in the commission of the accident.
4. Learned Counsel for the State however opposes the bail application on the ground that necessary precautions had not been taken by the Applicants while demolishing the wall.

5. Considering the nature of allegation levelled against the Applicants and also considering the period of custody undergone, this Court is of the opinion that prima facie a strong case is made out for grant of bail.

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

Sd/-
(P. Sam Koshy)
Judge

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