

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2521 of 2018**

1. Krishna Prasad Gupta S/o Parmeshwar Gupta, Aged About 42 Years, R/o- Beliya, P.S. Chalgali, Tehsil Wadrafnagar, District- Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Lallan Prasad S/o Chamru Sao, Aged About 28 Years, R/o- Beliya, P.S. Chalgali, Tehsil Wadrafnagar, District- Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through- Station House Officer, P.S. Chalgali, District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Non-applicant**

**MCRC No. 3113 of 2018**

1. Mathura Prasad S/o Parmeshwar Aged About 40 Years, R/o Beliya, Police Station Chalgali, Tehsil Wadrafnagar, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Omprakash S/o Halkan Aged About 28 Years, R/o Beliya, Police Station Chalgali, Tehsil Wadrafnagar, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Chalgali District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

**---- Non-applicant**

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For Applicants – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**18-05-2018**

1. As both these applications arise of the same crime number, i.e. Crime No.09/2018 registered at Police Station Chalgali, District Balrampur Ramanujganj, Chhattisgarh, they are being decided by this common order.
2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 02-02-2018 in connection with aforesaid crime number for the offence under Section 304/34 of the IPC.

3. It is submitted by learned counsel for the applicants in both the applications that the applicants are in jail since 02-02-2018. Charge sheet has been filed after completion of the investigation. No case is made out against the applicants. The death of deceased persons is purely accidental in this case, for which, these applicants are not at all responsible in any manner. Hence, it is prayed that they may be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that these applicants cannot shirk from the responsibility. Knowing well that the job allotted to deceased Hanslal and Ramsagar was hazardous and there is likelihood of their accidental death, they had forced them for the job to be done. Hence, the applicants are responsible for the culpable homicide not amounting to murder. Therefore, it is prayed that the applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. As the case is, these applicants along with co-accused persons were engaged in illegal extraction of coal from forest. On the fateful day, these applicants knowing well the risk involved in extraction of coal from illegal mines, compelled labourers Hanslal and Ramsagar to dig the coal from the mining pit, during which, the mine collapsed and the deceased persons were buried alive, because of which, they died. After lodging of the FIR, the case has been registered against these applicants.

7. Presently the investigation is complete and charge sheet has been filed, the allegation against the applicants is debatable regarding their role and responsibility in the death of labourers in this incident, but, no purpose would be served if the applicants are kept in detention till conclusion of the trial against him, hence, for these reasons, I am of this view that these applicants should be granted regular bail.

8. Consequently, both these applications filed by the applicants under

Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. 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 each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**