

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3840 of 2018

1. Sukhman Dewangan Pandaru Dewangan, Aged About 50 Years R/o Village- Mulmula, Kondagaon, Tehsil , P. S. And District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh
2. Shankar Dewangan, Pandaru Dewangan, Aged About 40 Years R/o Village- Mulmula, Kondagaon, Tehsil , P. S. And District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- Kondagaon, District Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Respondent

For the applicants : Mr.Vishnu Koshta, Advocate
 For the respondent/State : Mr. Sameer Behar, Dy.G.A.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

29-6-2018.

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 23-4-2018 in connection with Crime No. 134 of 2017 registered at Police Station Kondagaon, District Kondagaon (CG), for the offence punishable under Sections 304 (2) & 201 read with Section 34 of the IPC.
2. Case of the prosecution is that on 16-5-2011 deceased Digeshwar Sagar went to attend the marriage programme and he did not return, thereafter the father of the deceased lodged a missing report on 21-5-2011. One dead body without head was found on 25-5-2011 and thereafter the authorities did not proceed towards investigation. After about seven years of the incident on 23-4-2018 discovery statement of the appellant Sukhman Dewangan was recorded and both applicants were arrested.
3. Learned counsel appearing for the applicants would submit that there is no iota of evidence that the present applicants are culprits

for taking illegal electric connection and in fact electric line was sanctioned to one Pandru as per record. Postmortem report and other documents are not sufficient to show the exact cause of death of the deceased. He would further submit that the applicants have been falsely implicated in the instant case and are in jail since 23-4-2018, therefore, they may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Looking to the fact that there is no *prima facie* evidence regarding homicidal death of the deceased and without further commenting on the merits of the case, I am inclined to release the applicants on bail.
7. 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 local surety in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju