

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5484 of 2018**

Smt. Mamta Tiwari W/o Makhan Lal Tiwari Aged About 45 Years R/o- Village Kharra, Tahsil Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5602 Of 2018**

Parmanand Deshmukh @ Nandu S/o Late Umrav Aged About 43 Years R/o- Kharra, Police Station Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- Station House Officer, Police Station- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Rajesh Kumar Sharma and Shri Amiyakant Tiwari, Advocates.
For the Respondent/State	:	Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar matter. These are the first and second bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.161 of 2018, registered at Police

Station Gunderdehi, District – Balod, Chhattisgarh for the offence punishable under Sections 304, 308 and 427/ 34 of the Indian Penal Code and Section 135 of the Electricity Act.

2. Learned counsel for the applicants submit that the applicants in both the cases are in jail since 11.5.2018 and have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Both the applicants are Panch in the said Gram Panchayat and are not responsible for the unfortunate incident that has taken place. Similarly placed co-accused – Smt. Prabha Sen has been granted bail by this Court in M.Cr.C. No. 4420 of 2018 dated 25.07.2018. Hence, it is prayed that the applicants in both the cases be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicants is that a water tank was constructed in village – Kharra by Gram Panchayat through the contractor. It is alleged that applicant – Parmanand Deshmukh @ Nandu is one of the panchas of the Gram Panchayat which has given the contract to construct the water tank. On the date of incident, the newly constructed water tank was filled with water, which all of sudden collapsed and three children were buried in debris, out of which two children have died. After lodging of FIR, the case

has been registered against the applicant. Hence, this case.

6. Considered the submissions made and the contents of the case-diary. After due consideration on all the material present in the case-diary, this Court is of the opinion that the present is a fit case, in which, the applicant should be enlarged on regular bail.

7. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge