

sNAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5941 of 2018

- Dharam Singh Kumbhkar S/o Late Gendlal, Aged About 48 Years, R/o- Rengakathera, Police Station Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Gunderdehi, District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri Ganesh Burman, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-09-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-05-2018 in connection with Crime No.161/2018 registered at P.S. - Gunderdehi, District Balod, Chhattisgarh for the offence under Section 304, 308, 427/34 of the IPC and Section 135 of C.G. Electricity Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 11-05-2018. No case is made out against this applicant. Similarly placed co-accused persons have been granted bail by this Court. He was simply working as Secretary of the Gram Panchayat and he has no connection with the offence committed. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, at the instance of the office bearers of Gram Panchayat Kharra one water tank was constructed in the village,

which collapsed because of poor quality of the construction, which resulted in the death of two children who were buried in debris of the collapsed water tank for which office bearers of the Panchayat and others were held responsible. Hence, this case.

6. After due consideration on the material present in the case diary and also considering this fact that similarly placed co-accused persons have been granted bail, I am of this opinion that this applicant should also be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge