

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1508 of 2019**

1. Avinash Sarkar S/o Bhairav Sarkar Barman Aged About 20 Years R/o Village- P.V. 88, Police Station- Bande, Tahsil- Pakhanjoor, Civil And Revenue District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
2. Subir Sarkar S/o Sanjeet Sarkar Aged About 22 Years R/o Village- P.V. 88, Police Station- Bande, Tahsil- Pakhanjoor, Civil And Revenue District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
3. Jay Vishwas S/o Niranjana Vishwas Aged About 28 Years R/o Village- P.V. 88, Police Station- Bande, Tahsil- Pakhanjoor, Civil And Revenue District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
4. Shyamal Modi S/o Sunil Modi Aged About 19 Years R/o Village- P.V. 88, Police Station- Bande, Tahsil- Pakhanjoor, Civil And Revenue District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh
5. Paresh Swarnkar S/o Vinod Swarnkar Aged About 33 Years R/o Village- P.V. 88, Police Station- Bande, Tahsil- Pakhanjoor, Civil And Revenue District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Police Station- Bande, District- North Bastar Kanker, Chhattisgarh., District : Kanker, Chhattisgarh

---- Non-applicant

For Applicants	: Mr. P.K Tulsyan, Advocate.
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.04.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 05/2019 registered at Police Station – Bande, District- North Bastar Kanker (C.G.) for the offence punishable under Sections 304, 147 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 12.01.2019 applicants and deceased Bablu Mandal aged about 15 years had gone Hawalbaras forest to bring bamboo and wood log by tractor and trolley. Deceased Bablu Mandal fell from the trolley and got injured. Applicants did not take the deceased to hospital and left him on the school ground of Raghunathpur, deceased Bablu Mandal died. Applicants had the knowledge that due to shivering cold injured Bablu Mandal may die.
4. Learned counsel for the applicant submits that the applicants have no criminal background. They are innocent and have been falsely implicated in the present case, therefore, they shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicants.
6. As per the postmortem report deceased died due to internal bleeding. In query, the doctor opined that falling may cause the injuries.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if each applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE