

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4191 of 2019**

1. Shatruhan, S/o Bhagirathi Sahu Aged About 35 Years R/o Village Nawagaon, Police Station Salhewara, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
2. Shankar Lal S/o Jethu Sahu Aged About 40 Years R/o Village Nawagaon, Police Station Salhewara, Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.
3. Hori Lal S/o Chaitu Gond Aged About 53 Years R/o Village Nawagaon, Police Station Salhewara, Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Salhewara, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Applicant : Shri Abhishek Sharma, Advocate.
For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**27/08/2019**

1. The Applicants have preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 11/2019, registered at Police Station – Salhewara, District – Rajnandgaon, Chhattisgarh, for the offence punishable under Sections 304, 201, 34 of IPC.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after filing of the charge-sheet vide order dated 15.05.2019 passed in MCRC No. 2879/2019.
3. As per the prosecution story, on 18.03.2019, father (complainant) of the deceased namely Januk Das Manikpuri lodged a missing report of

his son namely Toran Das. During course of inquiry, on 21.03.2019 dead body of the deceased was found inside a well. After post-mortem of the dead body, it was found that death occurred due to electric shock. It is alleged that Applicants have used electric wires in their field to hunt wild boars but accidentally Toran Das (deceased) came in contact with the electric wires and succumbed to death. On the basis of the above, offence has been registered against the Applicants and they have been taken into custody on 21.03.2019.

4. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He further submits that the memorandum statement of the Applicants which is confessional statement, is not admissible and these statements were recorded before Rupdas Sahu (PW-3), Jeevan Lal (PW-4), Tauhir Khan (PW-5) and Tahmid Khan (PW-7). All above witnesses have already been examined before the trial Court and they have not supported the case of prosecution and turned hostile. Also there is no any eye-witness to the incident. Applicants are in custody since 21.03.2019 and trial is likely to take some time. Therefore, they may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that there is no any eye-witnesses in this case and seizure witnesses have not supported the case of the prosecution, also Applicants are in custody since 21.03.2019 and trial is likely to take some time, without further commenting on other merits of the case, I am inclined to release them on bail.
8. Accordingly, the bail application is allowed.

9. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge