

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6517 of 2019

- Rajkumar, S/o Bhikham Janghel, Aged About 51 Years, R/o Village Jujhara (Thakurtola), Police Station - Gandai, Tahsil Chhuikhadan, District - Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Gandai, District - Rajnandgaon Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Abhishek Sharma, Advocate.
For Non-applicant/State : Mr. Avinash K. Mishra, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21.10.2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is *repeat* bail application before this Court filed by the applicant for grant of regular bail. The earlier bail application MCRC No.4649/2019 was dismissed as withdrawn on 16.08.2019. The applicant has been arrested in connection with Crime No.128/2019, registered at Police Station— Gandai, District-Rajnandgaon, Chhattisgarh for offence punishable under Sections 304 of the I.P.C.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. The main witnesses of the case have been examined and none of the witnesses have stated regarding the involvement of the applicant in crime and the case is still pending for trial. The applicant is in jail since 19.05.2019, prayed that application be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has very clearly admitted in his

memorandum statement that he had electrified the fence for protection of crops in which deceased got electrocuted and further the electrified fence was found on the property of the present applicant, therefore, circumstances are strong against him, therefore, prayed that application be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case on the date of incident, deceased Jamuna Lal Banjare came in contact with a live electric wire which was present there to electrify the fence of this applicant which resulted in his death. Hence, this case.
6. Considering that after perusing deposition of all the remaining witnesses which have been examined so far before the trial Court and that only procedural witnesses are remaining to be examined, I am of this opinion that this applicant should be enlarged on regular bail, therefore, I feel inclined to allow this application.
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