

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9323 of 2018

1. Trinath Bareth S/o Shri Premsingh Bareth Aged About 45 Years R/o Village- Saraibhaddar, Police Station- Jutemill, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Devnath Kalanga S/o Shri Karu Kalanga Aged About 32 Years R/o Village- Saraibhaddar, Police Station- Jutemill, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
3. Manoj Sidar S/o Shri Dharamsingh Sidar Aged About 32 Years R/o Village- Saraibhaddar, Police Station- Jutemill, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
4. Dukalu Kalanga S/o Shri Sahni Kalanga Aged About 26 Years R/o Village- Saraibhaddar, Police Station- Jutemill, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Officer In Charge Of The Police Station- Kotwali, Out Post- Jutemill, District- Raigarh, Chhattisgarh.

---- Respondent

AND

MCRC No. 9191 of 2018

1. Mahavir Rajput S/o Pardeshi Rajput Aged About 32 Years R/o Saraibhaddar, Choeki Jute Mill- Raigarh, Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Rohit Pradhan S/o Bahgwano Pradhan Aged About 32 Years R/o Saraibhaddar, Choeki Jute Mill- Raigarh, Tahsil And District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Raigarh District Raigarh Chhattisgarh

---- Respondent

For Applicants (in MCRC No. 9323/2018) : Mr. Abhishek Saraf, Advocate.
For Applicants (in MCRC No. 9191/2018) : Mr. Abhishek Saraf, Advocate.
For Respondent/State : Mr. KK Dewangan, Dy. G. A.
For Objector : Mr. Ashutosh Mishra, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/03/2019

1. Since, both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime no. 1287/2018, registered at Police Station City Kotwali, Police outpost Jutemill, District Raigarh (C.G.) for the offence punishable under Section 304 & 201/34 of the IPC.
3. As per prosecution story, allegation against the applicants is that they were taken the deceased Budhram @ Ajay Sahu from his house for fishing in Kelo river. Allegedly, they were hooking the electric wire from the transformer for the purpose of fishing, due to which electric wire fall down in river therefore all the accused persons were told the deceased to remove the said wire from the river, as soon as the deceased entered the water and power started flowing in the water resulting which, deceased become unconscious thereafter all the applicants taken him to his house and told his family that deceased was consuming liquor, therefore, he become unconscious thereafter they ran away from his house and after some time the deceased was died. On the basis of said background, offence has been registered against the applicants and they have been arrested on 30.09.2018, since then they are in custody.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that there is no eye witness available in this case. On the basis of evidence collected by the prosecution

prima facie there is no case under Section 304 of the IPC can be made out against them, even in the postmortem report, cause of death not shown by the autopsy surgeon. He further submits that the applicants are in custody since 30.09.2018, charge-sheet has already been filed and trial is likely to take some time. Therefore, the applicants may be released on bail.

5. Per contra, learned counsel appearing on behalf of State and objector opposes the bail applications.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicants are in custody since 30-09-2018, charge-sheet has already been filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.
8. Accordingly, the bail applications are 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 local solvent surety for the like sum to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge