

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1903 of 2020

- Bhuneshwar Sahu S/o Nepal Sahu, Aged About 27 Years, R/o Amethi Dipapara Police Station - Sarangarh, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Police Thana - Sarangarh, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

----Respondent/Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For State/Respondent – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-02-2019 in connection with Crime No.118/2019 registered at P.S./Police Thana - Sarangarh, District - Raigarh, Chhattisgarh for the offence under Section 304, 201 of the IPC and Section 135 of Electricity Act.

2. It is submitted on behalf of the applicant that this is second application filed by the applicant for grant of regular bail. His first application filed, MCRC 3541/2019 was dismissed as withdrawn on 05-07-2019 and the liberty was granted to revive the application after six months. It is further submitted that the applicant is innocent, he has been falsely implicated. There is no direct evidence against the applicant. He is neither owner of the agricultural land nor he was in possession of the same where the deceased came in contact with the live electric wire. The applicant is in jail since 19-02-2019 and the trial against him has made no progress. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there are circumstantial evidence present against the applicant to prove his guilt, therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that on 16-02-2019 the applicant had led a net of electric wires which were live with electric current. The deceased persons, namely, Janmajay Rathiya and Vijay Rathiya came into contact with the live wire and expired on the spot. Subsequent to that, it is alleged that the applicant has attempted to dispose off the dead body.
6. After considering the evidence present in the case diary and also the delay that has occurred in conclusion of the trial, 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