

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5169 of 2020**

1. Gopal, aged about 50 years, s/o Late Khemuram Gond (wrongly mention as God)
2. Om Prakash, aged about 32 years, s/o Late Budharu Ram Yadav
3. Bhagwat, aged about 50 years, s/o Late Sanvat Satnami,

All R/o village Gajmarra, Tahsil and Thana Dongargarh, District Rajnandgaon (CG)

---- Applicants**Versus**

- State Of Chhattisgarh through Police Station Dongargarh, District Rajnandgaon (CG)

---- Respondent

 For Applicants : Shri Parag Kotecha, Advocate
 For Respondent/State : Ms. Sunita Jain, Govt. Advocate

Hon'ble Smt. Justice Rajani Dubey
Order On Board

21.09.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.259/2020, registered at Police Station Dongargarh, District Rajnandgaon(CG) for the offence punishable under Sections 304 r/w Section 34 of the IPC.
3. As per the case of prosecution, the applicants put a naked electric wire in the field for catching animals and over the naked wire two persons namely Ganesh Netam and Khedu Patel came into contact and they died because of

electrocution. Offence has been registered and the applicants have been arrested.

4. Learned counsel for the applicants submits that the applicants have not committed any offence. He submits that the applicants have no intention or motive to commit the above crime and there is no prima facie evidence against them to involve in the crime. He submits that the applicants have been arrested only on the basis of suspicion and it is mentioned in the FIR that the deceased had put the electric wire negligently and came into contact and died. He submits that the applicants are in jail since 28.6.2020 and trial is likely to take some time for its final disposal, therefore, the applicants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicants, yet challan has not been filed and trial is likely to take some time for its final disposal, without further commenting on merits, I am of the opinion that present is a fit case to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in sum of Rs.50,000/-

with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE

sunita