

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 363 of 2021

- Basant Dhruv, S/o Mangal Dhruv, Aged About 55 Years, R/o Village- Kumharmara, Police Station- Panduka, District- Gariyaband (C.G.).
---- Applicant

Versus

- State Of Chhattisgarh, Through: The Station House Officer, Police Station- Panduka, District- Gariyaband (C.G.).

---- Non-Applicant/State

For Applicant	:	Shri Shivendu Pandya, Advocate
For Non-Applicant/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.02.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 24.11.2020 in connection with Crime No.121/2020, at Police Station- Panduka, District- Gariyaband (C.G.) for the offence punishable under Section 304, 201/34 of IPC & 135 of Electricity Act, 2003.
2. The allegation against the present applicant is that he used electric current on the fencing of his agricultural field with knowledge that it would cause death of animals or any person. As Umesh Nishad (deceased) came in contact with the said live electric wire, he died and the accused persons in order to cause disappearance of evidence of crime hid the same in the nursery and on 23.11.2020 the Station House Officer registered merger of the deceased namely Umesh Nishad who was died after came in contact of the electric fence of the agricultural field of the applicant.

3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated, he is falsely implicated in the case, the applicant is only bread earner person of the family, he is in jail since 24.11.2020, charge-sheet has already been filed, trial is still not commenced, prosecution witnesses are yet to be examined and conclusion of trial is likely to take some time, that the applicant/accused has no criminal antecedents and there is no likelihood of the applicant tempering with the prosecution evidence or absconding, conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned counsel for the Non-Applciant/State opposes prayer for grant of bail and submits that the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation and detention period of the applicant, charge-sheet has already been filed, number of witnesses of this case are yet to be examined, trial is still not commenced, other co-accused persons namely Hemraj Dhruv, Chandrashekhar and Lalitram Soura have already been granted bail by the trial Court, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tempering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim