

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 833 of 2021**

1. Mosuram Yadav, S/o Dhenwa Yadav, Aged About 45 Years
  2. Baishakhuram S/o Late Doma Aged About 29 Years
  3. Mahangu Ram Yadav S/o Gangadhar Yadav Aged About 40 Years
  4. Somadu Sodhi, S/o Hunga Sodhi Aged About 42 Years
  5. Mehattar Yadav S/o Nagadu Yadav Aged About 38 Years
  6. Lachchhindar Yadav S/o Nagadu Yadav Aged About 32 Years
  7. Sodhi Joga S/o Late Doma Sodhi Aged About 38 Years
  8. Lachchhu Sodhi S/o Doma Sodhi Aged About 21 Years
  9. Sanna Kawasi S/o Kosa Kawasi Aged About 36 Years
- All R/o Village Chiuarwada P.S. Tongpal District Sukma (Chhattisgarh)

**---- Applicants (In jail)****Versus**

- State Of Chhattisgarh Through The Police Station Darbha, District Bastar (Chhattisgarh)

**---- Respondent**


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| For Applicants       | : Shri PK Tulsyan, Advocate |
| For Respondent/State | : Shri Vikram Sharma, Dy GA |

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**Hon'ble Shri Justice Parth Prateem Sahu**  
**Order on Board**  
**(Proceeding through Video Conferencing)**

**18.06.2021**

1. Applicants have preferred this application under Section 439 CrPC for grant of regular bail as they were arrested in connection with Crime No.49 of 2020 registered at Police Station Darbha, District Bastar (CG) for the offences punishable under Sections 304, 201 and 34 of the IPC.
2. Case of the prosecution in brief is that in the night of 19.11.2020, present applicants laid down wire connected with live electric wire in forest area on the narrow side road of Badanpal to Elengnaar, for the purpose of hunting wild pigs. In the morning when they went on the spot, they saw Lakhmu Nag stuck with wire laid down by them and he died due to electrocution. They took dead

body of the deceased and hanged it with a tree, showing it to be death by hanging. Dead body was sent for post-mortem. In post-mortem report, cause of death has been shown as death due to electric shock, but doctor has mentioned that nature of death is a matter of investigation. Police submitted charge-sheet after completion of investigation and as mentioned in the Final Report, applicants have laid down the wire for hunting wild pigs, deceased stuck to it and died, on the basis of which, crime was registered against the present applicants.

3. Shri PK Tulsyan, learned counsel for the applicant submits that there is no specific material collected by the Police against present applicants, or showing the act of each applicant. There are nine accused persons in the instant crime. The Police has not collected any material to show that the act of applicants is intentional, and submits that death of deceased is accidental, which comes under provision of Section 304A of the IPC. Applicants are in jail since 26.11.2020, hence they may be enlarged on bail.

4. Shri Vikram Shama, learned counsel for the State opposing the submission made by learned counsel for the applicants submits that during the course of investigation, Police collected material showing the commission of act of applicants of laying down wire, connecting it with electricity wire and deceased died due to electrocution. Act of applicants of hanging dead body is an attempt to disappear the evidence. He submits that looking to the act of applicants, they are not entitled for grant of bail under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration all the material collected by the Police during investigation as mentioned in Case-diary, and further considering pre-trial detention since 26.11.2020, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail upon furnishing a bail bond in the sum of Rs.10,000/- (Rupees ten thousand) each with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-  
(Parth Prateem Sahu)  
JUDGE