

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1141 of 2021**

1. Kanhaiyalal Vadde, S/o Sannu Ram Vadde Aged About 25 Years
2. Sidhu Ram Poyam, S/o Bisru Ram Poyam Aged About 50 Years
3. Ramsai Poyam, S/o Sidhurar Poyam, Aged About 30 Years
4. Jairam Poyam S/o Sidhurar Poyam Aged About 30 Years

All R/o Village Kihkad, P. S. Kohkameta, District Narayanpur, Chhattisgarh

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through The Police Station Kurusnar, Narayanpur Chhattisgarh

---- Respondent

For Applicants : Shri Raza Ali, Advocate

For Respondent/State : Shri Shrikant Kaushik, Panel Lawyer

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

08.07.2021

1. Applicants have preferred this application under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No. 04 of 2020 registered at Police Station- Kurusnar, District- Narayanpur, Chhattisgarh for the offence punishable under Section 304 of IPC.
2. Case of the prosecution, in brief, is that on 18.06.2020 in the afternoon, applicants were fishing in river by putting live electric wire. At that relevant time they called Chaituram, who was passing from the place, to do fishing in river. Chaituram while catching fish, came in contact with water suffered electric shock and died. Merg was reported to concerned Police Station, based upon which instant crime was registered.

3. Shri Raza Ali, learned counsel for the applicants submits that offence as alleged against the applicants would not be made out, applicants have not committed any offence. He submits that death of Chaituram can be said to be an accidental death. He submits that applicants are in jail since 04.11.2020, hence they may be released on bail. He also submits that as per report of CSEB the electric wire was pulled out from the house of appellant No.2.

4. Shri Shrikant Kaushik, learned State counsel opposing the submissions of learned counsel for the applicant, submits that there is specific allegation against present applicants that they put live electric wire in river. He also submits that as per CSEB report, live electric wire connection was taken from house of Applicant-2 Sidhu Ram Poyam, hence all applicants are involved in the commission of aforementioned offence and applicants are not entitled for benefit under Section 439 of CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegation and contents of FIR, wherein it is mentioned that electric connection has been taken from house of appellant No.2 and put it in river for catching fish and other applicants were present there were only fishing. There is no specific allegation against Applicants- 1, 3 and 4 that they were also involved in pulling live electric wire for fishing. I do not find it a fit case for grant of bail, so far it relates to Applicant-2 Sidhu Ram Poyam. Hence bail application of Applicant-2 is dismissed.

7. As there is no specific allegations of involvement of Applicants-1 Kanhaiyalal Vadde, Applicant-3 Ramsai Poyam and Applicant-4 Jairam Poyam, for pulling live electric wire and putting it in water for fishing, without commenting anything on merits, I am inclined to enlarge these applicants on bail.

8. Accordingly, the bail application is allowed in favour of Applicants-1, 3 and 4, namely, Kanhaiyalal Vadde, Ramsai Poyam and Jairam Poyam respectively. It is directed that the applicants shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one local surety in the like sum to the satisfaction of the concerned Court 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