

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4934 of 2021

1. Jagdev Netam, aged about 45 years, S/o Late Durjan Netam
2. Parwin @ Praveer Netam, aged about 46 years, S/o Gricson
3. Mata Ram @ Jagannath Netam, aged about 45 years, S/o Durjan
4. Shravan Kumar Netam, aged about 39 years, S/o Gricson Netam
5. Deelip Netam, aged about 30 years, S/o Gricson Netam
6. Soman Netam, aged about 35 years, S/o Gricson Netam
7. Ishwar @ Vikas, aged about 20 years, S/o Channu Ram

All are resident of Village Lanjoda, Pujaripara, P.S. Kondagaon, District Kondagaon C.G.

---- Applicants

Versus

- State of Chhattisgarh, through the Police Station Kondagaon, District Kondagaon (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Raja Ali, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

07.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 07.06.2021 in connection with Crime No. 187/2021 registered in Police Station- Kondagaon, District Kondagaon (CG), for the offence punishable under Sections 302, 34 of IPC (wrongly mentioned in order as 392, 34 of IPC).
2. Prosecution case in brief is that on 27.04.2021 some dispute between the applicants and deceased namely Raminder Netam was happened for which the applicants assaulted the deceased by hands and fists. After 10 days the deceased faced some digestion problem for which he has been admitted in District Hospital from where for better treatment the family of the deceased took the deceased to Balaji Hospital. During treatment in Balaji Hospital, the deceased died on 10.05.2021. Therefore, the F.I.R. was registered against the present applicants on 05.06.2021.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have neither committed any offence nor have any dispute with the deceased. He submits that on 27.04.2021, the applicants have beaten the deceased with their hands and fists, but no report or complaint was made by the deceased till he survives i.e. on 10.05.2021. He also submits that there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 07.06.2021 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the facts and circumstances of the case, the incident took place on 27.04.2021 where the applicants allegedly assaulted deceased Raminder Netam with hands and fists, no such injury was found on the body of the deceased as per postmortem report, the deceased was admitted in hospital on 06.05.2021 due to some urinary problem where he was treated till 10.05.2021 and died during treatment, no treatment was provided to the deceased from 27.04.2021 to 06.05.2021, as per FSL report no poison was found in viscera of the deceased, according to postmortem report the cause of death is unknown, no prompt report was lodged after the incident on 27.04.2021, considering the detention period of the applicants who are 20, 30, 35, 39, 45 & 46 years old, the fact that there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
6. It is directed that in the event of each of the applicants executing a personal

bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail, on following conditions :-

- i. they 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/her from disclosing such fact to the Court.
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. they shall not involve themselves in any offence of similar nature in future.

7. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge