

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8318 of 2020

1. Upendra S/o Late Bahadur, Aged About 24 Years R/o Village - Khutakuda (Wrongly Mentioned As Khutakunda), Police Station - Kartala, District - Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Pawan Singh @ Shivsagar Rathia S/o Jairam, Aged About 26 Years R/o Village - Khutakuda (Wrongly Mentioned As Khutakunda), Police Station - Kartala, District - Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Bhay Singh S/o Asharam Rathiya, Aged About 43 Years R/o Village - Khutakuda (Wrongly Mentioned As Khutakunda), Police Station - Kartala, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station - Kartala, District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

MCRC No. 8600 of 2020

1. Hira Rathia S/o Shri Bhog Singh Rathia Aged About 33 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh
2. Goverdhan Rathia S/o Shri Bhog Singh Rathia Aged About 45 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh
3. Ram Singh Rathia S/o Mangal Singh Rathia Aged About 26 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh
4. Surya Rathia S/o Late Shri Harihar Singh Rathia Aged About 46 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh
5. Maya Singh Rathia S/o Shri Fatteh Singh Rathia Aged About 26 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh
6. Bundram Rathia S/o Shri Mohit Rathia Aged About 40 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh
7. Homsingh Rathia S/o Shri Jagsingh Rathia Aged About 32 Years Residents Of Village- Suvarlot Police Station Kartala, Distric Korba (Chhattisgarh), District : Korba, Chhattisgarh

8. Parmeshwar Singh Rathia S/o Mansaram Rathia Aged About 27 Years Residents Of Village- Suvarlot Police Station Kartala, District Korba (Chhattisgarh), District : Korba, Chhattisgarh
9. Kriparam Sarthi S/o Firtu Sarthi Aged About 31 Years Residents Of Village- Suvarlot Police Station Kartala, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kartala Tehsil And District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Respondent

MCRC No. 9208 of 2020

1. Teejram Rathia S/o Shri Dhan Singh Rathia Aged About 48 Years R/o Village Superlot, Police Station Kartala, District Korba, Chhattisgarh, District : Korba, Chhattisgarh
2. Laxman Singh Rathia S/o Shri Mangatram Rathia Aged About 28 Years R/o Village Superlot, Police Station Kartala, District Korba, Chhattisgarh, District : Korba, Chhattisgarh
3. Lalit Kumar Yadav S/o Yadram Yadav Aged About 24 Years R/o Village Superlot, Police Station Kartala, District Korba, Chhattisgarh, District : Korba, Chhattisgarh
4. Khageshwar S/o Shri Teejram Rathia Aged About 19 Years R/o Village Superlot, Police Station Kartala, District Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer Police Station Kartala Tehsil And District Korba, District : Korba, Chhattisgarh

---- Respondent

MCRC No. 9212 of 2020

Naresh Kumar S/o Shri Janta Singh Aged About 19 Years R/o Village Supela, Police Station Kartala, District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kartala Tehsil And District Korba Chhattisgarh

---- Respondent

MCRC No. 9387 of 2020

Vijay Singh S/o Ratiram Aged About 23 Years R/o Village Suwarlot, Police Station Kartala, District Korba Chhattisgarh., District : Korba, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Kartala Tehsil And District Korba Chhattisgarh., District : Korba,

---- Respondent

For Applicant	:	Shri Anmol Sharma, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/02/2021

Heard.

1. The applicants have been arrested in connection with Crime No.181 of 2020 registered at Police Station-Kartala, District Korba (CG) for the alleged commission of offence under Section 304, 201, 34 of IPC.
2. All the bail applications are being disposed off by this common order as they arise out of the same crime number.
3. Prosecution case is that in order to facilitate hunting of wild boar the applicants and co-accused had laid live electric wire and one Anand Kumar Rathia, who was passing through the road, came in contact of live electric wire and died of electrocution.
4. Learned counsel for the applicants would submit that they have been falsely implicated by the prosecution only on suspicion and even though charge-sheet has been filed, there is no substantive evidence. Learned counsel for the applicants would argue that there is no evidence of the applicants having laid the electric wire nor any evidence of dead body exhumed on the memorandum of the present applicants. It is stated according to the prosecution, first memorandum of Mayaram is said to have been recorded on 24/10/2020 but even before that, dead body was exhumed on 23/10/2020. The postmortem does not even state that the deceased died of

electrocution. Lastly, it is submitted that in any case alleged overt act against the applicants would not travel beyond the scope and ambit of Section 304-A of IPC therefore, at this stage, the applicants may be granted bail.

5. On the other hand, learned counsel for the State opposes the prayer and submits that a missing report regarding one Anand Kumar Rathia was lodged in the police station and during enquiry dead body of Anand Kumar Rathia was exhumed from a place just outside the village. Later on, some of the suspects were taken into custody and memorandum of Maya and other accused were recorded whereas accused have admitted that live electric wire was laid by them to hunt wild boar and later on, when Anand Kumar Rathia got in touch with the live electric wire and died, in order to save themselves from any accusation, dead body was buried in the jungle.
6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that exhumation of dead body was prior to recording of memorandum and then also the postmortem report which does not give any suspect in which the cause of death is stated to be uncertain and further taking into consideration the submission that there is no evidence collected that the applicants had laid electric wire and last submission that the applicants at the most, it can be said to have been committed offence under Section 304-A of IPC and not 304 of IPC, the application is allowed.
7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge