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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL**

ON THE 28th OF APRIL, 2023

MISC. CRIMINAL CASE No. 10419 of 2023

BETWEEN:-

**DHANIRAM THAKUR S/O SHRI ACHHELAL THAKUR,
AGED ABOUT 26 YEARS, OCCUPATION: LABOUR R/O
VILLAGE BHADARDEV PS MUNGWANI TEHSIL AND
DISTRICT NARSINGHPUR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI GANGA PRASAD PATEL-ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION MUNGAWANI DISTRICT NARSINGHPUR
(MADHYA PRADESH)**

.....RESPONDENT

(BY SMT. GEETA YADAV-PANEL LAWYER)

MISC. CRIMINAL CASE No. 14333 of 2023

BETWEEN:-

**LAKHAN S/O NANHELAL GOUND, AGED ABOUT 42
YEARS, OCCUPATION: LABOUR R/O VILLAGE
BHADARDEV P.S. MUNGWANI DISTRICT
NARSINGHPUR (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI GANGA PRASAD PATEL-ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION MUNGAWANI DISTRICT NARSINGHPUR
(MADHYA PRADESH)**

.....RESPONDENT

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(BY SMT. GEETA YADAV-PANEL LAWYER)

MISC. CRIMINAL CASE No. 14336 of 2023

BETWEEN:-

KAMLESH @ CHHOTAL S/O AJUDDI THAKUR, AGED ABOUT 30 YEARS, OCCUPATION: LABOUR R/O VILLAGE BHADARDEV P.S. MUNGWANI TEHSIL AND DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI GANGA PRASAD PATEL-ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MUNGWANI DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. GEETA YADAV-PANEL LAWYER)

MISC. CRIMINAL CASE No. 14340 of 2023

BETWEEN:-

- 1. SUKHRAM S/O JAYRAM THAKUR, AGED ABOUT 55 YEARS, OCCUPATION: LABOUR R/O BHADARDEV P.S. MUNGWANI DISTRICT NARSINGHPUR (MADHYA PRADESH)**
- 2. GOVIND S/O SUKHRAM THAKUR, AGED ABOUT 30 YEARS, OCCUPATION: LABOUR R/O BHADARDEV P S M U N G W A N I DISTRICT NARSINGHPUR (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI GANGA PRASAD PATEL-ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MUNGWANI DISTRICT NARSINGHPUR (MADHYA PRADESH)

.....RESPONDENT

(BY SMT. GEETA YADAV-PANEL LAWYER)

These applications coming on for admission this day, the court passed the following:

ORDER

These are the first bail applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail relating to FIR No. 38/2023 dated 07.02.2023, registered at Police Station - Mungwani, District-Narsinghpur (M.P.) for the offence under Sections 304, 201/34 of IPC and Section 135 of Indian Electricity Act. Applicants Lakhan, Kamlesh @ Chhotal, Sukhram and Govind are in detention since 07.02.2023 while applicant Dhaniram Thakur is in detention since 08.02.2023.

As per the prosecution story, applicants along with other co-accused and deceased had installed GI wires directly from DP (Transformer) installed in the agricultural field of Dr.Sanjeev Chandorkar with an intention to supply the electric current in those open GI wires with the help of wooden piles to hunt the wild animals. When electric current was released in open GI wires, deceased Ramdayal died due to electrocution. It is further alleged that after death of Ramdayal they all attempted to dispose of his dead body with an intention to screen the evidence of his death. In the course of investigation, on the basis of memorandum given by the accused persons GI wires and wooden piles were seized from the possession of applicants. After investigation, charge sheet has been filed.

Learned counsel for the applicants has submitted that applicants have not committed any offence. They are innocent. They have been falsely implicated. It is further submitted that they have been wrongly implicated for commission of offence under Section 304 of IPC as it is a case in which open GI wire was installed directly from the DP for the purpose of hunting wild animals but due to

criminal negligence on the part of applicants and deceased, deceased died due to electrocution, offence would be made out only for commission of offence under Section 304-A of IPC and not under Section 304 of IPC. It is submitted that offence under Section 304-A and 201 of IPC are bailable offences. Trial of the case will take considerable time. Therefore, it has been prayed that the applicants be released on bail pending the trial.

On the other hand, learned counsel for the State has opposed the grant of bail to the applicants and has contended that undoubtedly deceased has died of high voltage electric shock but applicants attempted to dispose of his dead body by burning it to screen the evidence of death. Therefore, he has prayed for rejection of bail applications.

In this case, after investigation, charge sheet has been filed. Deceased has died to electrocution. Therefore, having taken into consideration the facts and circumstances of the case but without expressing any opinion on the merits of the case, I am of the view that it is a case in which further pretrial detention of the applicants/accused is not warranted. Consequently, these first bail applications under Section 439 of the Code of Criminal Procedure for grant of bail filed on behalf of applicants, stands **allowed**.

It is directed that **applicants - Dhaniram Thakur, Lakhan, Kamlesh @ Chhotal, Sukhram and Govind** be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** each with one solvent surety each in the like amount to the satisfaction of the trial Court, for their regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

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