

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3728 of 2015

Komal Dheemar, S/o Late Bhaulal Dheemar, aged about 48 years, R/o Mana Basti, P.S. Mana Camp, District Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through Station House Officer of Mana Camp, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Shailendra Dubey, Advocate.
For Non-applicant:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.55/2015, registered at Police Station Mana Camp, Raipur, Distt. Raipur, for the offence punishable under Sections 323 read with Section 34 of the IPC and 6 of the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application was dismissed as withdrawn by this Court vide order dated 15-6-2015 passed in M.Cr.C.No.2404/2015 and as it was not heard on merits, the second bail application has been filed.
3. Case of the prosecution, in brief, is that on 4-4-2015, the applicant treated Kamleshwari Baghmar as a quack by which she became seriously ill and was likely to die.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that no offence under Section 6 of the Chhattisgarh Tonahi Pratadna Nivaran

Act, 2005 is made out against the applicant and the applicant is in jail since 5-4-2015. Charge-sheet has been filed. He also submits that two co-accused persons have already been released on bail by the trial Court.

5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, his pretrial detention, the fact that charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge