

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2082 of 2016**

Sharawan Jaiswal, Son of Adhanu Jaiswal, aged about 22 years, resident of Khairjhiti, Thana – Pandariya, District – Kabirdham (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through – P.S. Pandariya, District : Kabirdham (C.G.)

---- Non-applicant

For Applicant: Mr. Ajit Singh, Advocate.

For Non-applicant/State: Mr. Neeraj Kumar Sharm, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/04/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 25/2016 registered at Police Station Pandariya, District- Kabirdham for the offence punishable under Section 304 of Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant unauthorizedly and without authority of law treated Chitkumari (since deceased) on 17.09. 2015 and given injection to her by which, she died and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that the deceased was treated by competent doctor and, as such, the

applicant has been falsely implicated in the offence in question as there was no active part played by the applicant in the said offence. He further submits that the applicant is in jail since 23.01.2016; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the applicant in the offence in question; his pre-trial detention and that the charge sheet has already been filed; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Sharawan Jaiswal** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-