

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6604 of 2017

Tulsi S/o Tukru, Aged About 70 Years Caste Satnami, R/o Village Dandgaon,
Police Station Pathariya, Tahsil Pathariya, District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Pathariya, District Mungeli
Chhattisgarh.

---- Respondent

Shri P.P.Sahu, counsel for the petitioner/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/12/2017

Heard.

The applicant has been arrested in connection with Crime No.321/2017 registered at Police Station – Pathariya, District - Mungeli (CG) for alleged commission of offences under Section 294, 506, 323, 302 r/w Section 34 of IPC.

2. Case of the prosecution is that the applicant and other co-accused gave hands and fist blow to the deceased on 28/06/2017. It is alleged that after about 8 days, the prosecutrix died.

3. Learned counsel for the applicant would argue that the death of the prosecutrix, as per the doctor's opinion, is not co-related with the quarrel and fight which the applicant may have with the deceased 8 days before her death. It is submitted that according to the doctor, cause of death is reported to be Cardio Megaly and Intra-ventricular Clot leading to shock and death. Even according to this report, heart of the deceased was enlarged and because of the blood clot, she died. The report nowhere states that the deceased died because of injury which she may have received in near future. It is further submitted that the applicant is aged about 70 years, he is not likely to abscond or tamper with the prosecution witnesses.

Therefore, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the eye witness account of one of the prosecutions witnesses is that 8 days before the death of the prosecutrix, the applicant and other co-accused had beaten her with hands and fist and the death of the lady within a short period provides inherent link to the cause of death. Therefore, the application may be rejected.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the opinion of the doctor and further that cause of death being related to enlarged heart and blood clot after eight days after the incident by the applicant on the prosecutrix, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge