

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7461 of 2017

Jeetan Kertetta S/o Late Premsai, aged about 75 years, R/o Khodaro,
P.S.Rajpur, District Balrampur, Ramanujganj (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through - The Police Station Rajpur, District
Balrampur, Ramanujganj (C.G.).

---Respondent

For applicant : Shri A.N.Pandey, Advocate.

For resp./State : Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/12/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.68/2017 registered at Police Station Rajpur, District Balrampur - Ramanujganj (C.G.) for the offence punishable under Sections 304, 326, 272 & 344 of IPC.
2. Present applicant is in jail since 23/05/2017.
3. As per the prosecution case, the present applicant on 21/05/2015 is said to have given certain powder to the two deceased persons in order to dissuade the deceased persons from consuming liquor frequently. However, after consumption of the said powder offered by the present applicant, the

deceased persons fell ill and it is said that on the next date they died because of poisoning.

4. The counsel for the applicant submits that, it is a case where the present applicant is a Waidya by profession and he is used to give herbal treatment to the villagers. He further submits that, the family members of the two deceased persons came to the present applicant voluntarily. The deceased persons were given the medicine with a hope that they would leave the habit of consuming the liquor. That the present applicant is said to have given some powder made of the seed of Dhatura Plant and given to the deceased persons which after consuming they succumbed. He further submits that, there is no intention of the present applicant of killing the deceased persons nor was there any enmity between the two. Rather it is a case where the deceased and the family members of the deceased voluntarily came to the present applicant for some herbal medicine which seems to have reacted to the deceased persons and thus prayed for releasing the applicant on bail.

5. Considering the total facts and circumstances of the case particularly the manner in which the accidental death occurred this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE