

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 581 of 2017

Smt. Muskan Otwani, W/o. Kamlesh Otwani, Aged About 23 Years, R/o. Chakarbhata Camp, Near Sindhi Dharamshala, Police Station Chakarbhata, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Chakarbhata, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vaibhav A.Goverdhan, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.355/2016 registered at Police Station- Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. As per the prosecution case, on 21.10.2016, the applicant was having hot altercation with her husband and the deceased Madhudas tried to intervene them, at that time, the deceased was pushed by the present applicant and when he fell down, the applicant gave a blow by kick on his chest and thereafter fled away. Consequently, Madhudas died.
3. Learned counsel for the applicant would submit that the deceased died a natural death by heart attack, which would be evident from the post mortem report and the query report also do not suggest

that any injury was on the chest or either outer side or inside; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of Kamlesh, husband of the present applicant, post mortem report and the query report. Taking into totality and the background of the offence and the way it has been committed and further considering the degree of allegation and the evidence which is available and the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing 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, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge