

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3376 of 2017**

- Ramphool Yadav S/o Manbodh Yadav, Aged About 30 Years Caste Rawat, R/o Village Kerakachhar, Chowki Rajgamar, Tahsil & District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Balco, Chowki Rajgamar, District Korba, Chhattisgarh.

---- Non-applicant

For Applicant:
For State:

Mr. Vimlesh Bajpai, Advocate
Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12.06.2017**

1. The present bail application has been filed under Section 439 of Cr.P.C. for grant of regular bail to the Applicant who is in jail since 12.04.2017 in connection with Crime No. 90/2017 registered at Police Station – Balco, District - Korba (C.G.) for the offence punishable under Section 304 of the I.P.C.

2. The case of the prosecution in brief is that the deceased Sukrita Bai Yadav was insisting for going to her parental home which was being refused by the present Applicant. The deceased was the second wife of the present Applicant. The allegation against the present Applicant is that during the course of the altercation on the issue of going to her

parental home, the present Applicant is said to have assaulted the deceased on account of which she fell down and her head struck on the wooden frame of the door (चौखट) causing head injury. On account of which she succumbed .

3. Learned Counsel for the Applicant submits that there was no intention on part of the present Applicant to kill the deceased. Neither was there any sort of animosity or predetermination on part of the present Applicant. It was an accidental death. Therefore, he may be granted bail.

4. Learned State Counsel however opposes the bail application.

5. Considering the total facts and circumstances of the case, taking into consideration the fact that the present Applicant already remained in custody for a period about two months and that the postmortem report reflects that there was only one injury which caused death of the deceased and also considering the fact that the head injury sustained by the deceased was on account of her falling on the wooden frame of the door not on account of assault made by the present Applicant, this Court is of the opinion that present is a fit case for grant of bail to the Applicant.

6. Accordingly, the present bail application is allowed. It is directed that in case if the Applicant furnishes a personal bond for a sum of **Rs.25,000/- with two sureties** of the like amount to the satisfaction of the concerned trial Court, then he shall be released on bail. The

Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
V. JUDGE

kishore