

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 370 of 2018**

Chotudas Mahant, aged about 47 years, S/o Bhursidas Mahant,
By Occupation Agriculturist, R/o Village Chamrabarpali, Thana
Baradwar, Tahsil Sakti, Distt. Janjgir Champa (C.G.)

---- Applicant**Versus**

The State of Chhattisgarh, through District Magistrate, Distt.
Janjgir Champa (C.G.)

---- Non-applicant

For Applicant : Mr. Shalvik Tiwari, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/03/2018**

(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. 259/2017 registered at Police Station Baradwara, Distt. Janjgir Champa for the offence punishable under Section 304 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that applicant not being the medical practitioner administered some medicine to the deceased, by which she died and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He submits that the offence under Section 304 of the IPC is not made out against the applicant and no

such objectionable medicine has been recovered from the petitioner. He further submits that the applicant is in custody since 13.10.2017 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 nature and gravity of the offence and considering the facts that applicant is in detention since 13.10.2017 and 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 application is allowed.

(6) Accused/applicant 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/-

