

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 927 of 2018**

Mahendra Kumar Satnami S/o Shri Tulsi Satnami, aged about 28 years,
R/o village Dandgoan, Police Station Pathariya, Tahsil Pathariya, District
Mungeli (CG)

---- Applicant**Versus**

State of Chhattisgarh through Police Station Pathariya, District Mungeli
(CG)

---- Respondent

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/04/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 26.10.2017 in connection with Crime No. 321/2017 registered at Police Station Pathariya, District Mungeli (CG) for the offence punishable under Sections 294, 506, 323, 302, 34 of IPC.

2. The case against the present applicant as per the prosecution is that the applicant and co-accused i.e. father of the applicant namely Tulsi Satnami are said to have assaulted the deceased namely Chandrika Bai, aged around 62 years with hands and fists on 28.06.2017 and the deceased is said to have died after 8 days on 07.07.2017.

3. Counsel for the applicant submits that it is a case where the cause of death is not on account of the assault made by the applicant nor does the doctor's report reflects any hint in this regard. He submits that on the same set of allegation, co-accused Tulsi has already been granted bail by this Court vide order dated 11.12.2017 in MCRC No. 6604 of 2017 and therefore, the present applicant also deserves to be released on bail on the ground of parity

as well.

4. State counsel, however, opposing the bail application submits that the co-accused was granted bail considering his age who is more than 70 years whereas the present applicant is a young boy of 28 years, therefore, granting of bail to the co-accused cannot be a ground for grant of bail to the present applicant. She further submits that there are evidences available on record to show that there was a fight between the applicant and the deceased on 28.06.2017 where the applicant and the co-accused are said to have assaulted the deceased with hands and fists and the deceased succumbed to the injuries after 8 days period.

5. Having heard the contentions put forth on either side and on perusal of the record what clearly reflects is that the nature of allegation against the co-accused Tulsi and the present applicant is the same. Further aspect which cannot be brushed aside as is reflected in the order of bail of Tulsi is that the cause of death reported was Cardio Megaly and Intra-ventricular Clot leading to shock and death. From the medical document it reflects that the heart of the deceased was already enlarged and there was a blood clot with which she died. There is no sign of injury reflected in any of the doctors' report. For all these facts and circumstances of the case, this Court is of the opinion that prima facie it is a fit case where the applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE