

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6906 of 2017

- Deepak Shrivastava S/o Punalal Shrivastva, Aged About 30 Years R/o Kalkapara, Dongargarh, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Dongargarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11/01/2018

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.286/2017, registered at Police- Station-Dongargarh, District– Rajnandgaon(C.G.) for the offence punishable under Sections 304 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 2.9.2017. The deceased Girija Bai has died natural death and her death is not a consequence of the altercation that took place between applicant and her, hence, no case is made out against the applicant on the basis of the material of the prosecution case. After completion of investigation, charge-sheet has been filed. He is willing to abide by all

the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. As the case is, deceased Girija Bai was a beggar and used to sit before the shop of the applicant because of which applicant got irritated and some altercation took place with the deceased. He gave her push because of which she fell down and went unconscious and subsequently she died. According to the postmortem report, the death of the deceased has been due to cardiorespiratory arrest, which is a natural death and this may be the consequence of the push given to her.
6. Considering on the submissions and the contents of the case diary. Taking into consideration the fact and circumstances of the case, I am of this view that applicant deserves to be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her 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 his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge