

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1093 of 2018**

Devraj Sahu S/o Santram Sahu Aged About 50 Years R/o Village Chichka,
P.S. Gatpar, Police Station Gatapar Jungle, Tehsil- Khairagarh,district -
Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Gatapar, Dist.- Rajnandgaon,
Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Rakesh Pandey, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 17 of 2018, registered at Police Station – Gatapar, District – Rajnandgaon, Chhattisgarh for the offences punishable under Sections 304 and 304-A of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant is a public health worker and thus, a public servant. According to the prescribed method of treatment, he had given some standard medicines for treatment of

typhoid to deceased – Pratima Gond, hence, the medicine given by him could not cause the death of the deceased. From the postmortem report, it is clear that the death of the deceased has occurred due to reason other than the medicine administered to the deceased. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the case against the applicant, the applicant in capacity of public health worker has provided some medicines to the deceased for the treatment of typhoid but subsequent to that, the deceased expired. It is mentioned in the case-diary that before her death the deceased was made to consume kerosene oil by her father.

7. On perusal of the postmortem report and from the opinion of the doctor conducted the autopsy, it is clear that the cause of death was due to consumption of kerosene oil. Hence, for these reasons, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like

sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajendra Chandra Singh Samant)
Judge