

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 7975 of 2018**

1. Nanku Nagwanshi S/o Ramdas Nagwanshi, Aged About 27 Years, R/o Village Rampur, Police Station Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh
2. Sarju Nagwanshi S/o Tulsi Nagwanshi, Aged About 27 Years, R/o Village Rampur, Police Station Ramanujganj, District Balrampur Ramanujganj Chhattisgarh
3. Bhajju Singh S/o Sajinath Singh, Aged About 40 Years, R/o Village Rampur, Police Station Ramanujganj, District Balrampur Ramanujganj Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh

---- Respondent

For Applicants	:	Shri Malay Shrivastava, Advocate
For Respondent/State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****15/11/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 30.06.2018 in connection with Crime No. 75/18 registered at Police Station – Ramanujganj, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 304, 109 & 201 of IPC.

2. The case of the prosecution against the present applicants is that applicants 1 & 2 who are the brothers of the deceased Bablu had brought applicant no.3 who is said to be a Baidya of the village for curing the mental

ailment of deceased Bablu. It is said that in the course of treatment by applicant no.3, the deceased sustained grievous injuries on account of which he died after about 10 days.

3. Counsel for the applicants submits that a plain reading of the statement of the witnesses itself would reveal that the applicants never had any intention of killing the deceased. It is further reflected that the applicants were also much concerned about the ailment which the deceased was suffering and it was only in the course of treatment rendered by applicant no.3 that the deceased sustained injury on account of which he died. Thus, prayed for grant of bail to the applicants.

4. State counsel, however, opposing the bail application submits that it is a case where applicants 1 & 2 who had called upon applicant no.3 and in the course of treatment provided by applicant no.3 to the deceased he sustained burn injuries on account of which he died and therefore, the applicants are not liable to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record, particularly taking note of the manner in which the deceased died, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

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

**Sd/-
(P. Sam Koshy)
Judge**