

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5886 of 2019**

- Puranjan Nishad S/o Shyam Lal Nishad Aged About 25 Years, R/o Village Manikpur, Police Station Sariya, Tahsil Baramkela, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Sariya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 48/2019 registered at Police Station Sariya, District-Raigarh (C.G.) for the offence punishable under Sections 304-B, 302, 201 and 34 of the IPC.
2. The prosecution story, in brief is that, on 26.03.2019 father of the applicant has given information about the sudden death of deceased Tikeshwari with the averment that his daughter-in-law after taken lunch went to slip in her room along with her three years aged son at that juncture the present applicant is not in the home and after heard the cry of his grandson they rash to the room where they found that the deceased is fallen on floor from the bed, immediately thereafter, manage the Bolero Vehicle for the very purpose to treatment took her to Hospital but on the way she hiccups and died, so they return to the home and inform the parent of the deceased, inquest punchnama has been prepared and the

dead body sent for postmortem and according to the doctor the cause of death of deceased is due to asphyxia and it has been also mentioned as final opinion in nature will give after FSL (Bisra report) though the Bisra report shows that no chemical poison has been found then again the query of postmortem report has been made in which according to the doctor nature of the death is homicidal cause of death is asphyxia due to smothering. Based on this offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is no seizure witnesses against the present applicant and charge-sheet has been filed. The applicant is in jail since 16.04.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that there is no seizure witnesses against the present applicant and postmortem report is also found very clear. The present applicant is in jail since 16.04.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local 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.

**Sd/-
(Rajani Dubey)
Judge**