

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 2374 OF 2015**

1. Tulsi Bai W/o Sahni Sahu, Aged about 58 years,
2. Suman Bai Sahu W/o Raja @ Raj Kumar Sahu, Aged about 32 years,
both R/o Village Dhangavan Gosai, Police Station Jarhagaon, Revenue District-Mungeli (C.G.), Civil District Bilaspur (C.G.)

---Applicants**Versus**

State of Chhattisgarh Acting through Officer-in-charge, Police Station Jarahagaon Revenue District Mungeli (C.G.) Civil District Bilaspur (C.G.)

---Non-applicant

For Applicants	:	Mr. K.A. Ansari, Sr. Advocate with Mr. Devesh G. Kela, Advocate
For Non-applicant	:	Mr. Siddarth Rathore, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 191/14, registered at Police Station Jarhagaon, District Mungeli (C.G.), for the offence punishable under Sections 147, 148, 149, 302 of I.P.C.
2. Case of the prosecution, in brief, is that on 10/12/2014 applicant along with five other co-accused persons have murdered one Dhanwa Sahu and thereby committed offence.
3. Learned counsel for the applicants would submit that in fact deceased Dhanwa Sahu has first assaulted wife of the co-accused Ram Kumar Sahu by Axe which was reported by Ram Kumar Sahu on 10/12/2014

at 6.30 P.M. in the Police Station Jarhagaon and thereafter present FIR came to be lodged by son of deceased Swarath Sahu at 10.30 A.M. He would further submit that present applicants have falsely been implicated merely because applicant No. 2 is wife of Raja @ Raj Kumar Sahu and applicant No. 1 is wife of Sahni Sahu. He would further submit that applicants are woman and no custodial interrogation is required. He would lastly submit that applicants are in jail since 10/12/2014 and charge sheet has been filed therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that Axe has been recovered from the possession of Ram Kumar Sahu.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; only allegation of assault by hand and fist and no recovery of any weapon has been made; they are woman and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Tulsi Bai and Suman Bai Sahu, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE