

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4124 of 2015**

Kumari Fuleshwari W/o.-Late Shri Kunuram Patel, aged about 23 years, Caste-Marar, R/o.-Village-Kotmara, P.S. and Tahsil-Sarangarh, Civil and Revenue District – Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, through S.H.O. of the Police Station–Sarangarh, Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Abhishekh Saraf, Advocate
For Non-applicant	:	Mr.Siddharth Rathore, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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 applicant who has been arrested in connection with Crime No.296 of 2015, registered at Police Station-Sarangarh, District Raigarh (CG), for the offence punishable under Section 307 of the IPC.

2. Case of the prosecution, in brief, is that on 6.7.2015 the applicant is alleged to have thrown minor Himanshu into well, by which he suffered grievous injuries, which were sufficient to cause his death and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence, in fact, there is pending dispute with complainant Bhuneshwar Sahu, by which he has falsely implicated the present applicant in offence in question. He would further submit that the applicant is in jail since 10.7.2015 and charge-sheet is yet to be filed, therefore, she may be released

on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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, statement of Nema Bai, mother of the minor injured, other evidence collected by the prosecution and the manner in which the applicant is said to have thrown minor Himanshu into well, I am of the considered opinion that it is not a fit case where the applicant can be released on bail

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-