

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4350 of 2015**

Smt.Radhika Devdas, wife of late Shri Shashi Devdas, aged about 45 years, resident of village Baba Mohtara, P.S. Bemetara, Tahsil and District Bemetara (CG)

---Applicant

Versus

State of Chhattisgarh, Through; District Magistrate, Bemetra, P.S. Bemetra, Distt.Bemetara (CG)

---Non-applicant

For Applicant	:	Mr. S.K.Guha, Advocate
For Non-applicant	:	Mr. Siddharth Rathore, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/08/2015

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.315/2015, registered at Police Station-Bemetara, Distt.Bemetara (C.G.), for the offence punishable under Sections 302 and 201/34 of the IPC.

2. Case of the prosecution, in brief, is that co-accused Umashankar Devdas and Umesh Devdas assaulted their father deceased Shashi Devdas by wooden stick and the present applicant knowing fully well that the offence has been committed caused disappearance of evidence of offence to screen her sons on 2.6.2015 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has falsely been implicated in crime in question. He would further submit that there is no allegation of causing assault by the present applicant and only evidence against the present applicant is that she has disappeared the evidence to screen her sons from the offence in

question, she being a woman is in jail since 18.6.2015 and charge-sheet has already been filed, therefore, she may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submits that the present applicant has tried to wipe out the blood found on the body of the deceased and committed the aforesaid offence.

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 applicant; mostly allegation against the present applicant for offence under Section 201 of the IPC, she being a woman and main allegation against her sons Umshankar Devdas and Umesh Devdas for murdering their father, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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

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

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-