

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6371 of 2015

1. Smt. Kala Bai, W/o. Shri Chainuram Nishad, aged about 35 years, R/o. Village- Pidhi, Thana -Tumgaon, Tahsil-Mahasamund, Civil and Revenue, District – Mahasamund (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Officer, Police Station – Tumgaon, District – Mahasamund (C.G.)

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/11/2015

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.123/2015, registered at Police Station – Tumgaon, District – Mahasamund (C.G.) for the offence punishable under Section 302 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased, Hema Bai was subjected to burn by Kalabai, the applicant as both were the wife of Chainu Nishad and on the date of incident, when Hema Bai in the state of burn was asked that who has committed the act, she told that it has been done by the applicant.
3. Learned counsel for the applicant would submit that Hema Bai, the deceased died out of the injuries, which has not been caused by this applicant and only on the gesture, the applicant has been inculpated and no statement was made by the deceased. He would submit that

the applicant is in jail since 10.09.2015, therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that as per the statement of Punitram, the applicant has been named by the deceased when it was asked immediately after the incident, therefore, therefore, she is not entitled for bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the documents and the statement recorded under Section 164 of Cr.P.C. and the evidence collected by the prosecution. Considering the evidence against this applicant, the way the offence has been committed, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Balram