

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7023 of 2015

Chandrika Bai, W/o Love Kumar Sahu, Aged About 50 Years, R/o Village
Lohrsi Naiyaapara, Tah. & Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through P.S.- Masturi, Distt. Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Rupesh Trivedi, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.221/2015, registered at Police Station– Masturi, District Bilaspur (C.G.) for the offence punishable under Section 302, 307, 109, 201, 120(B)/34 of IPC and Section 4, 5 of Tonhi Prataarna Adhiniyam.
2. As per the prosecution case, in brief, a complaint was lodged that on 25.07.2015 the complainant Santoshi Sahu, daughter of the deceased Sundari Bai and their family members were taking meal at that time someone has knocked the door and when the door was opened some person who covered his face assaulted the complainant and thereafter her mother was killed inside. Subsequently, on investigation Bhriugu Kumar was arrested on the ground that he has caused death in conspiracy with the present applicant, as the deceased used to commit witchcraft.

3. Learned counsel for the applicant submits that no evidence is available against this applicant except the memorandum statement of Bhritu Kumar, neither any seizure has been made and he has been falsely implicated. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 09.08.2015, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that except the memorandum statement no other evidence is available and no recovery is made from the present applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the fact that only on the memorandum of Bhritu Kumar, this applicant has been inculpated and no any other evidence is available against her, I am inclined to release the applicant on 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 her 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/-
(Goutam Bhaduri)
Judge