

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4086 of 2015**

Smt.Sati Bai W/o Madav Verma, Aged about 42 years, R/o village Devsundra,
Police Station-Palari, Distt.Baloda Bazar-Bhatapara (CG)

---Applicant**Versus**

State of Chhattisgarh Through the Police Station House Officer – Palari, Post
Office-Palari, Distt.Baloda Bazar-Bhatapara (CG)

---Non-applicant

For Applicant	:	Mr. Deepak Jain, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/08/2015**

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.105/2015, registered at Police Station-Palari, District Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 498A and 307/34 of the IPC.

2. Case of the prosecution, in brief, is that marriage of complainant Smt.Kunti Bai was solemnized with son of the applicant namely Yashwant in the year 2014 and immediately after marriage the present applicant and co-accused harassed her demanding dowry and on the date of incident i.e. 4.4.2015 she was thrown from rooftop by the present applicant, by which she suffered grievous injuries, which were sufficient to cause her death and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is serious infirmity in statements of

the complainant under Sections 161 and 164 of the Cr.P.C. The applicant is woman aged about 42 years and other co-accused persons have been released on bail , she is in jail since 3.5.2015 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 submit that it is the applicant who subjected her to assault by which the complainant fell down from rooftop and sustained grievous injuries.

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, nature of injuries and the applicant being a woman, 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/-