

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6842 of 2015

Madhu, W/o. Manoj Satnami, Aged About 24 Years, R/o. Village Jogideepa, P.S. Sarsiwa, Civil & Rev. Distt. Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., P.S. Sarsiwa, Distt. Baloda Bazar-Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. A.S.Rajput, Advocate

For Respondent : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/12/2015

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.224/2015, registered at Police Station– Sarsiwa, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 306/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant is the wife of Manoj Kumar who had relation with one Hemlata, the deceased, who was the wife of one Umesh. The husband of the applicant Manoj Kumar had relation with the deceased Hemlata, therefore, she was deserted by the family members of Umesh. It is the case of the applicant that she had beaten the deceased when she saw her husband in compromising position with the deceased.

3. Learned counsel for the applicant submits that even the case is admitted as a whole there is no case of abetment under Section 107 of IPC is made out. He further submits that the applicant is in jail with an infant child of 1 year and they are seriously suffering with ailment; therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the case diary and the statement and taking into fact that the allegation against this applicant is that she had beaten the deceased when she saw her with her husband. Taking into consideration the nature and gravity of the allegation against this applicant and the fact that she is in jail since 18.11.2015, 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