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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3965 of 2015**

Smt.Ramotin Bai wife of late Vishnu Ram Pradhan, aged about 59 years, Caste-Kalar, resident of Village-Mandabharri, Police Station and Tahsil-Narharpur, Civil and Revenue District-North Bastar Kanker (CG)

---Applicant

Versus

State of Chhattisgarh Through: the Thana Incharge, Police Chowki-Dudhawa, District-North Bastar Kanker (CG)

---Non-applicant

And**M.Cr.C. No. 4036 of 2015**

Shambhu Ram Pradhan son of late Vishnu Ram Pradhan, aged about 26 years, Caste-Kalar, resident of Village-Mandabharri, Police Station and Tahsil-Narharpur, Civil and Revenue District-North Bastar Kanker (CG)

---Applicant

Versus

State of Chhattisgarh Through: the Thana Incharge, Police Chowki-Dudhawa, District-North Bastar Kanker (CG)

---Non-applicant

For Applicants	:	Mr. D.N.Prajapati, Advocate.
For-Non-applicant	:	Mr. Anupam Dubey, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/09/2015**

1. Since the aforesaid two bail applications are arising out of the same crime number, they are being disposed of by this common order.

2. Applicant-Smt.Ramotin Bai has filed this second bail application and applicant-Shambhu Ram Pradhan has filed this first bail application

under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, who have been arrested in connection with Crime No. 116/2014, registered at Police Chowki-Dudhawa, District-North Bastar Kanker (C.G.), for the offence punishable under Section 304B/34 of the IPC.

3. First bail application of applicant-Smt.Ramotin Bai has been dismissed as withdrawn with liberty to revive the same after material prosecution witnesses are examined.

4. Learned counsel for the applicants would submit that seven prosecution witnesses have been examined and they are turned hostile. They have not supported the case of the prosecution. The applicants are mother-in-law and husband of deceased Vidyavati and there is no chance of their conviction and therefore, they may be enlarged on bail.

5. Learned State counsel would oppose the prayer for grant of bail and submit that neither any statement of father of the deceased has been recorded nor any statement has been filed.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; evidence against applicant-Shambhu being husband of the deceased, this Court is of the opinion that present is not a fit case, in which applicant-**Shambhu** should be enlarged on bail. Consequently, bail application filed on behalf of applicant-**Shambhu** is rejected. Considering the fact that applicant-**Shambhu** is in custody since 4.8.2014, the trial Court is directed to expedite the trial and conclude the same as early as possible. However, taking into consideration the facts and circumstances of the case; further taking into consideration the

nature and gravity of offence, evidence available against applicant- **Smt.Ramotin Bai** being mother-in-law of the deceased, her pre-trial detention for more than one year i.e. since 8.9.2014, this Court is of the opinion that present is a fit case, in which, applicant-**Smt.Ramotin Bai** should be enlarged on regular bail.

8. Accordingly, bail application filed on behalf of applicant- **Smt.Ramotin Bai** is allowed.

9. It is directed that applicant-**Smt.Ramotin Bai** 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.

10. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-