

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5523 of 2015**

Prabha Yadav, W/o. Late Shri Mohar Yadav, aged about 48 years, R/o village Gouripur, PS Chalgali, Dist. Balrampur-Ramanujganj (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Chalgali, Dist. Balrampur–Ramanujganj (CG)

---Non-applicant

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Non-applicant	:	Mr. Ramakant Mishra, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/10/2015

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.32/2015, registered at Police Station-Chalgali, District-Balrampur-Ramanujganj (CG), for the offence punishable under Section 302/34 of the IPC.

2. Case of the prosecution, in brief, is that on 21.4.2015 the applicant and his son Manoj Yadav assaulted deceased Mohar Yadav, who is husband of the present applicant by wooden stick, by which, he suffered grievous injuries and died.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has falsely been implicated in crime in question. He would further submit that no overt-act has been made by the present applicant, it is son Manoj Yadav, who has assaulted brutally to the deceased, by which he suffered injuries and died and as such, statement of

eye-witness Nirmala Yadav, wife of Dinesh Yadav, has also been available on record, which has not supported the case against the present applicant. The applicant being a woman is in jail since 2.5.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. On the other hand, referring the statement of Sohar Yadav, learned counsel for the State would oppose the bail application.

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 the offence, material collected & available in the case diary and the manner in which the applicant along with co-accused is said to have caused murder of Mohar Yadav, this Court is of the opinion that present is not a 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 rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-