

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.680 of 2016**

Smt.Neera Bai W/o Sukhnandan Vaishnav, aged about 45 years, resident of Village-Kanwrakapa, Police Station & Tahsil-Nawagarh, District Bemetara (CG)

---Applicant

**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Nawagarh, District-Bemetara (CG)

---Non-applicant

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|-------------------|---|--------------------------------|
| For Applicant     | : | Mr. Gautam Khetrapal, Advocate |
| For Non-applicant | : | Ms Ashtha Shukla, Panel Lawyer |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**23/02/2016**

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.239/2015, registered at Police Station-Nawagarh, District-Bemetara (CG), for the offence punishable under Sections 294, 506B, 323 & 326/34 of the IPC and Sections 4 & 5 of the Chhattisgarh Tonhi Pratadna Nivaran Adhiniyam.

2. Case of the prosecution, in brief, is that the applicant and her son suspecting Kaushilya Bai to be Tonhi assaulted by sickle within the meaning of Section 320 of the IPC by which she suffered grievous injuries which were sufficient to cause her death.

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 applicant has

not made any assault to Kaushilya Bai, she being a woman aged about 50 years is in jail since 17.12.2015 and charge-sheet has already been filed and therefore, she may be released on bail.

4. On the other hand, 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 & circumstances of the case; further taking into consideration the nature & gravity of offence; role of the present applicant; her pre-trial detention and the fact that charge-sheet has already been filed, this Court is of the opinion that present is 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 allowed.

8. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of ₹25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

**Sd/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-