

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1806 of 2016**

1. Shashi Kapoor, S/o Santosh Kumar Jangde, aged about 23 years,
2. Nayandas Jangde, S/o Bundram Jangde, aged about 23 years.
3. Kanshiram Jangde @ Chainudas, S/o Mukundra Jangde, aged about 21 years
4. Chitrkumar Jangde, S/o Gendram Jangde, Aged about 20 years.
5. Jhukam Bai, W/o Late Sundarwa @ Sundarlal Jangde, aged about 78 years.

All R/o Village Kaneri, P.S. Chakarbatha, District Bilaspur (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through P.S. Chakarbatha, wrongly written as Bilha, District Bilaspur (C.G.)

-----Non-applicant

For Applicant: Mrs. Kiran Jain, Advocate.
 For Non-Applicant/State: Mr. Dhiraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/04/2016**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 365/2015 registered at Police Station Chakarbatha, District Bilaspur for the offences punishable under Sections 147, 148, 149, 452, 302, 323 & 427 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicant along with

16 other co-accused persons assaulted victim Mannelal by axe and on account of said assault, the said Mannelal succumbed to his injuries.

(3) Counsel for the applicants submits that applicants have been falsley implicated in the offence in question and they have not committed any offence, particularly the respondent No. 5, who is aged about 78 years, has no role to play in the offence in question. He further submits that applicants are languishing in jail since 15.11.2015 and the charge sheet has already been filed and, therefore, the applicants may be released on bail.

(4) Per contra, counsel for the State submits that from the possession of accused/applicants No. 1 to 4 weapon, which was used in the offence in question, has been seized whereas no seizure has been made from applicant No. 5, the only allegation against her is that she pushed the victim/deceased.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which applicants No. 1 to 4 are said to have assaulted the victim, by which he succumbed to his injuries; and the consequent recovery of the weapon, which were used in the offence in question, from them, I am not inclined to release the applicants No. 1 to 4 on bail. Thus, the bail application relating to applicants No. 1 to 4 is rejected.

(6) However, looking to the role of the applicant No. 5 and considering the fact that she, being the old lady; aged about 78 years, is languishing in jail since 15.11.2015; this court is of the view that it is a fit case to release the applicant No. 5 on bail. Accordingly, the application is allowed.

(7) Accused/applicant No. 5 – **Jhukam Bai** is directed to be released on bail on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-