

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.2418 of 2016

Smt. Bhulesh @ Bhuleshwari W/o. Yogesh Kumar, aged about 24 years,
 Caste Sahu, R/o Village Gadadih, Police Station Kurud, Tahsil Kurud,
 Civil & Revenue District Dhamtari (CG)

---Applicant

Versus

State of Chhattisgarh, through Police Station Kurud, District Dhamtari
 (CG)

---Non-applicant

For Applicant	:	Mr. Kunal Das, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

30/05/2016

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.24/2016, registered at Police Station-Kurud, District-Dhamtari (CG), for the offence punishable under Section 306/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant, who is daughter-in-law and sons of Dahru Ram, the deceased, used to torture him by beating, due to which Dahru Ram committed suicide.
3. Learned counsel for the applicant submitted that allegation of the applicant, daughter-in-law, beating her father-in-law is highly improbable. It is further submitted that there may be allegation against sons beating their father, the deceased, but the applicant was not involved in the incident. It is also submitted that even if the entire story of the prosecution is taken as it is, the essential ingredients of abetting

commission of offence as defined under Section 107 of the IPC are not made out. The applicant is in jail since 28.3.2016, investigation is complete, charge-sheet has been filed and further interrogation is not required. She is not likely to temper the prosecution witnesses.

4. On the other hand, learned counsel for the State opposed the bail application and submitted that in the suicidal note the deceased has stated that he was beaten by his two sons and the present applicant also, due to which he committed suicide.

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

6. Considering the totality of the circumstances, nature and extent of allegation and involvement of the present applicant and also taking into consideration the fact that investigation is complete, charge-sheet has been filed and the applicant is not likely to temper the prosecution witnesses, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, 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 **Rs.25,000/-** with one local surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Manindra Mohan Shrivastava)
VACATION JUDGE