

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2456 of 2016**

1. Sumitra Bai, W/o Late Kartik Ram Sahu, aged about 65 years,
2. Heeralal, S/o Kartik Ram Sahu, aged about 50 years, Both are R/o Village- Seonikala, P.S. - Kurud, Distt. Dhamtari (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through, Station House Officer,
Police Station – Kurud, Distt. Dhamtari (C.G.)

---- Non-applicant

For Applicant: Mr. Awadh Tripathi, Advocate.
For Non-applicant/State: Mr. Dhiraj Kumar Wankhede, Govt.
Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****31/05/2016**

(1) At the outset, learned counsel for the applicants submits that he may be permitted to withdraw this bail application in relation to applicant No. 2 with liberty to revive the same if there is delay in trial.

(2) Liberty is granted, as prayed for.

(3) Accordingly, the bail application in relation to applicant No. 2 is dismissed as withdrawn with the aforesaid liberty.

(4) The accused/applicant No.1 has preferred this bail application under Section 439 of the Code of Criminal Procedure

for releasing her on regular bail during trial in connection with Crime No. 31/2016 registered at Police Station Kurud, Distt. Dhamtari for the offence punishable under Sections 304(B)/34 & 306/34 of the Indian Penal Code.

(5) Learned counsel for the applicant No. 1 would submit that the applicant No. 1 is mother-in-law of the deceased and there is no overt act attributed against her. He further submits that there are general & omnibus allegations against her, and she, being the old lady, aged about 65 years, is languishing in jail since 18.01.2016, charge sheet has already been filed and, therefore, she may be released on bail.

(6) On the other hand, counsel for the State opposes the bail application and submits that in the complaint and the statements of the witnesses, name of applicant No.1 is also involved and, therefore, she is not entitled to be released on bail.

(7) Taking into consideration the facts & circumstances of the case and the fact that allegation against the applicant No. 1 are general and omnibus in nature and that she, being the old aged lady,, is languishing in jail since 18.1.2016 and the fact that charge sheet has already been filed; I am inclined to release the applicant No.1 on bail.

(8) Accordingly, the bail application so far as it relates to applicant No.1 filed under Section 439 of the Cr.P.C. is allowed.

(9) It is directed that applicant No.1- **Sumitra Bai** shall be released on bail on her furnishing a personal bond in the sum of

Rs. 20,000/- with two sureties in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy, as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Vacation Judge

D/-