

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7302 of 2015

- Jaimuniya, wife of Late Harilal Aged About 30 Years, resident of Village Jamdohar, P.S. Rajpur, District Balrampur-Ramanujganj, Rev. District Balrampur, Civil District Sarguja, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Rajpur, District Balrampur-Ramanujganj Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. C.J.K. Rao, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 84 of 2015 registered at Police station Rajpur, Distt. Balrampur Ramanujganj C.G) for the offences punishable under sections 302, 201/34 IPC.
2. As per the prosecution case, the applicant along-with other co-accused Jaimuniya, Sumitra and Fulbai committed murder of Harilal. The deceased was husband of the applicant Jaimuniya and it is alleged that on 01.06.2015 at about 3.30 p.m., four accused persons had tied deceased with a rope and assaulted the deceased and thereafter he was set at large at 9 o' clock. Subsequently, on 09.06.2015, he was admitted to the hospital and he died on 11.06.2015 during the course of treatment.
3. Learned counsel for the applicant submits that according to the statement itself, deceased Harilal was habituated in consuming alcohol and therefore on the date of incident i.e., 01.06.2015 when he demanded money in state of intoxication, he was tied by the mother, sister and wife of the deceased and subsequently he was set

at large at 9 o' clock. Thereafter, he died after 8 days of the incident. He further submits that initially, he was admitted in Hospital on 09.06.2015 and thereafter died on 11.06.2015 during the course of treatment, therefore, it is not a case of homicidal death in nature. He further submits that similarly placed co-accused Budhlal has been granted bail by this Court on 02.11.2015 in MCRC No.5768/ 2015 and other co-accused Sumitra Ekka and Smt. Fhul Bai have been enlarged on bail in MCRC No.6098/2015 on 24.11.2015, therefore, the present applicant may also be released on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that the case of the present applicant is different from that of other co-accused as from the possession of this applicant, seizure of wooden log of cot was recovered by which the injury was caused.
5. Perused the statement of eye-witness wherein the allegations of assaulting deceased with wooden log has been stated by the witness.
6. Taking into such statement, prima-facie it appears that the case of the present applicant is different from that of other co-accused who were granted bail, therefore, I am not inclined to release the present applicant on bail, at this stage. Accordingly, the bail application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**