

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3194 of 2016

- Smt. Banjari W/o Narsingh Korva Aged About 40 Years R/o Gorsa, Chitalata, Prasadhab, P.S. Lundra, Distt. Surguja Chhattisgarh
--- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Lundra, Distt. Surguja Chhattisgarh
---- Respondent

For the applicant	:	Mr. Jitendra Shrivastava, Advocate
For the Respondent	:	Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 42 of 2015 registered at P.S. Lundra, Distt. Surguja (C.G) for the offence punishable under Sections 147, 148, 149 & 304 of IPC.
2. As per the prosecution case, on 14.04.2015 one Bal Bhagwan Korwa tried to outrage the modesty of one Somari who is second wife co-accused Narsingh Singh Korva. The allegation is that the applicant and other co-accused Narsingh Korva, Bhim Sai, Chandar Sai and Singh Ram have assaulted Bal Bhagwan Korwa whereby he sustained grievous injuries and died on 21.04.2015.
3. Learned counsel for the applicant submits that co-accused Chander Sai and Singh Ram have been enlarged on bail by the Coordinate Bench of this Court in M.Cr.C.No.5097 of 2015 on 28.09.2015 and the case of present applicant is not different from that of other two co-accused who have been

enlarged on bail. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 12.6.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he does not dispute the fact that similarly placed co-accused Chandar Sai and Singh Ram have been granted bail by the coordinate Bench of this Court.
5. Considering the facts and circumstances of the case and the degree of allegations & role of the applicant as also the fact that similarly placed co-accused have been granted bail by the coordinate bench of this Court; charge sheet has been filed and further looking to the pretrial detention of the applicant as he is stated to be in jail since 12.6.2015, I am inclined to enlarge the present applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. She will also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE