

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 163 of 2016

1. Smt. Radha Bai, Wd/o. Late Chhedan Verma, aged about 60 years, R/o. Village- Siltara, Police Station – Dharsinva, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station -Dharsinva, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/01/2016

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.449/2015, registered at Police Station – Dharsinva, District – Raipur (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that one Sakshi Verma committed suicide on 20.11.2015 by setting herself ablaze. It is the allegation against the applicant that she has tortured the the deceased and given ill-treatment and due to which the deceased committed suicide by setting herself ablaze.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that only general allegations have been attributed against this applicant, which can not be stated that she has abeted the deceased to commit suicide. He would further submit that charge-sheet in this case has been filed,

therefore, no further evidence is required. He would further submit that the applicant is 60 years of old lady and is in jail since 09.12.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that in the dying declaration, allegations have been attributed against the applicant.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the dying declaration. Perusal of the dying declaration shows that allegations have been attributed to this applicant, however, it would be subject of appreciation with the other evidence. Taking into the fact that the applicant is 60 years of old lady and the fact that charge-sheet in this case has been filed and she is in jail since 09.12.2015, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge