

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2663 of 2016

1. Smt. Sukhwantin Bai, W/o. Bhagatram, aged about 55 years,
 2. Smt. Sunita Bai, W/o. Kamlesh Kumar, aged about 26 years
- Both are R/o. Katulbod, Ward No.59, Durg, Civil and Revenue District-Durg (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O. - Police Station – Mohan Nagar, Civil and Revenue District – Durg (Chhattisgarh)

---- Respondent

For Applicants	: Ms. Seema Singh, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2016

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 applicants who have been arrested in connection with Crime No.136/2016, registered at Police Station – Mohan Nagar, District – Durg (C.G.) for the offence punishable under Section 302 and 498 (A), 307/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the deceased Premshila was subjected to torture by the applicants and other co-accused, who are in-laws and subsequently on 17.03.2016 kerosene oil was poured on the deceased and she was set ablaze and she succumbed to the injuries and died. Thereby the offence is committed.
3. Learned counsel for the applicants submits that general allegations have been attributed against the applicants and the main allegation is

against the husband. It is further submitted that the applicant No.-2, Smt. Sunita Bai is having a child of four months and she being a lady is in jail since 04.04.2016, therefore, she may be released on bail as no direct allegations have been attributed against the applicant No.2.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement and dying declaration of the deceased, wherein the allegations have been attributed against the applicants and other co-accused persons. Considering the fact the applicant No.2, Smt. Sunita Bai is having four months child only on that ground I am inclined to release the applicant No.2, Sunita Bai on bail.
7. However, in respect of applicant No.1, Smt. Sukhwanti Bai, this Court is not inclined to release her on bail. Accordingly the bail application in respect of applicant No.1 is dismissed.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.2, Smt. Sunita Bai is allowed and It is directed that applicant No.2 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