

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2615 of 2016

Fakija @ Jyoti @ Pathanin Bharti W/o Satish Bharti Aged About 20 Years R/o Village Sarda, Police Station Bemetara, Rev. And Civil Distt. Bemetara Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Pushpendra Patel, Advocate
For Respondent/ State	:-	Mr. Anil S Pandey, G. A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

21/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 349/2015 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Sections 302/34 of IPC.
2. Case of the prosecution, in brief, is that on 17.12.2015, a dispute arose between the deceased Narendra and the present applicant and her husband over the construction of a wall, as construction of a wall was being objected by the deceased, when the dispute aggravated the present applicant provoke over her husband to kill the deceased thereafter both the applicants assaulted the deceased and he died, thereby the offence has been committed.
3. Counsel for the applicant submits that there was no intention to kill the deceased, all of sudden on provocation the dispute aggravated and assault was made on the deceased. He further submits that

the assault was not caused by the present applicant and it was made by the husband of the applicant namely Satish Bharti, who assaulted the deceased by way of axe. He further submits that the applicant is a lady and she is in jail since 19.12.2015, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the eyewitness the wife of the deceased and the other eye witness primary allegation of causing assault on the husband of the applicant namely Satish Bharti. Considering the role played by the present applicant and taking into the fact that the applicant is a lady and she is in jail since 19.12.2015, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge