

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3643 of 2016

- Shrimati Triveni Bai W/o Judawan Suryavanshi Aged About 39 Years R/o Dhurkot, P.S. Janjgir, District Janjgir Champa, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through P.S. Janjgir District Janjgir Champa, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Vishnu Koshta, Advocate
For the Respondent	:	Mr. Omprakash Sahu, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

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. 37 of 2016 registered at P.S. Janjgir, District Janjgir-Champa (C.G) for the offence punishable under Sections 302/34 IPC.
2. As per the prosecution case, on 24.01.2016 the applicant alongwith her husband and son assaulted the deceased Tiharu Ram due to previous enmity and the deceased was assaulted by means of club and hands and fists, consequently he died. The death was due to head injury and excessive bleeding.
3. Learned counsel for the applicant would submit that the main allegations have been attributed to Judawan Pradhan, husband of the applicant who has caused blow by club and the allegations against the applicant is that she has used hands and fists. It is further submitted that on the date of incident, the deceased was in a state of intoxication and abused the complainant and also on previous enmity used to

pass comments on the applicant. Therefore, he submits that under these facts and circumstances the applicant has not caused the head injury which resulted in death. He further submits that the charge sheet in this case has been filed and the applicant is in jail since 25.01.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the postmortem report which shows that head injury was caused and fracture was made on the head which resulted into death. Also perused the statement of eye witness Kashi Ram Ratnakar son of deceased wherein it is stated that the applicant used hands and fists during assault.
6. Considering the totality of facts and circumstances of the case and taking into the degree of allegations and the role played by the applicant as would be evident from the statement of eye witness Kashiram that the applicant used hands and fists as also the fact that charge sheet in this case has been filed and the applicant is stated to be in jail since 25.01.2016, I am inclined to release her on bail.
7. 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