

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4375 of 2016

- Smt. Sajan Bai W/O Shyamlal Lodhi Aged About 62 Years R/O Khapri Darbar, Thana / Tahsil - Chhuikhadan, Revenue / Civil Distt. Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : District Magistrate (Collector), Thana - Chhuikhadan, Distt. Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Sameer Singh Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-08-2016

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 on 27-06-2016 in connection with Crime No. 144 of 2016, registered at Police Station Chhuikhadan, District Rajnandgaon (CG) for the offence punishable under Section 306/34 of the IPC.
2. As per prosecution case, on 6-4-2016 one Radhika Bai who was daughter-in-law of the applicant, set herself ablaze and died on 12-4-2016. It is alleged that the applicant abetted the deceased to commit suicide, therefore she set herself ablaze and died and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that on the trivial issues some dispute took place between the mother-in-law and the deceased, after loosing her temper she set herself ablaze and no abetment has been caused by the applicant and in

the dying declaration of the deceased no allegations of abetment have been attributed to the applicant. He would further submit that the applicant is a woman aged about 62 years, , she is in jail since 27-06-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, she may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the dying declaration of the deceased and also statement of her son namely Surya Kumar.
7. Taking into consideration the facts and circumstances of the case and further considering the dying declaration of the deceased and also the statement of son of the deceased and also the fact that charge-sheet in this case has been filed and the applicant who is a woman aged about 62 years is in jail since 27-06-2016, this court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju