

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5037 of 2016

- Smt. Sukhwanti Bai W/O Bhagatram Aged About 55 Years R/O Katulbod, Ward No. 59, Durg, Civil & Revenue District Durg, Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar, Civil & Revenue District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.S. Dhurandhar, Advocate

For Respondent/State : Mr. Neeraj Kumar Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-09-2016

1. This is a second 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 4-4-2016 in connection with Crime No. 136 of 2016, registered at Police Station Mohan Nagar, District Durg (CG) for the offence punishable under Sections 302 & 498-A, 307/34 of the IPC. Earlier first bail application was dismissed on merits on 13-6-2016.
2. Case of the prosecution, in brief, is that the deceased Premshila was subjected to torture by the applicant along with other co-accused who are in-laws and subsequently on 17-3-2016 kerosene oil was poured on the deceased and she was set ablaze and she succumbed to the injuries and died.
3. Learned counsel appearing for the applicant would submit that the applicant, who is a woman aged about 55 years along with child

is in jail since 4-4-2016, therefore, she may be enlarged on bail as one of the co-accused Smt. Sunita Bai has been enlarged on bail vide order dated 13-6-2016 passed in M.Cr.C.No.2663 of 2016 on the ground that she is having a child of four months.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and also other documents.
6. This is a repeat bail application on the ground that the child along with the applicant is in jail 4-4-2016.
7. Perusal of the record would show that the applicant is aged about 55 years and the child who is said to be of the deceased is with the applicant.
8. Considering the fact that the applicant is not mother of the child and only she being grand-mother of the child cannot be extended with the same benefit as a ground for grant of bail.
9. Accordingly, the second bail application is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju