

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5313 of 2016

1. Smt. Sarwati, W/o. Shri Alwant, aged about 42 years, R/o. Village- Aasandih, P.S. - Raghunathnagar, District – Balrampur, Civil District – Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Raghunathnagar, District – Balrampur, Civil District – Sarguja (C.G.)

---- Respondent

For Applicant	: Mr. Bhupendra Singh, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate
For Objector	: Mr. Dashrath Kushwaha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/09/2016

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 applicant who has been arrested in connection with Crime No.21/2016, registered at Police Station – Raghunathnagar, District – Balrampur (C.G.) for the offence punishable under Section 307, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Gurl Dayal made a report on 25.04.2016 that since one of his cows belonged to complainant had entered into the house of his brother, the dispute took place between them and when the complainant wanted to wash his hands at the pump at that time his brother came down and assaulted him along with his wife, present applicant, and others.
3. Learned counsel for the applicant submits that the applicant has not been named in the FIR and though the single injury was caused but

it is simple in nature according to the medical report and the dispute arose between two brothers. It is further submitted that the applicant is in jail since 27.04.2016 and considering the role played by the applicant, he may be enlarged on bail.

4. On the other hand, learned counsel for the State as well as counsel for the objector opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. The FIR do not contain the name of the present applicant. Considering the nature of allegation and the facts and circumstances of the case, the applicant is in jail since 27.04.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge