

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5607 of 2016

- Janki Bai, wife of Late Ganesh Jangre Aged About 33 Years
R/o Village Dharsiwa, Chowki Lawan, Police Station Kasdol,
District Baloda Bazar Bhatapara, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Kasdol, Police
Chowki Lawan, District Baloda Bazar Bhatapara,
Chhattisgarh. - **Respondent**

For the applicant	:	Mr. Sumit Jhanwar, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.09.2016

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. 168/2016 registered at P.S. Kasdol, Police Chowki Lawan, Distt. Baloda Bazar Bhatapara (C.G) for the offence punishable under Sections 302/34 of IPC.
2. As per the prosecution case, deceased Udho Ram, applicant Janki Bai and accused Manoj Kumar are brothers and sister. On 06.05.2016, Rameshwar the complainant and co-accused Manoj Kumar landed into altercation over a DVD player. At that time, Udhav Ram, father of complainant, who is also brother of accused Manoj Kumar came there and they started quarreling and during such quarrel, the applicant who is sister of Udhav Ram also assaulted Udhav Ram and Manoj Kumar went inside the house and came with an Axe and assaulted Udhav Ram thereby he died.
3. Learned counsel for the applicant would submit that the

main allegations are attributed to Manoj Kumar and the present applicant who is sister tried to intervene and pacify the situation but her efforts went in vain and the situation was further intensified and in that situation, Manoj Kumar assaulted Udho Ram with axe which was the reason for the death of the deceased and the applicant has been falsely implicated.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of Rameshwar. Considering the statement of complainant and the role played by the present applicant who is sister of both deceased and accused and the main allegations appear to have been attributed to accused Manoj Kumar as he is alleged to have assaulted Udho Ram by Axe, I am of the view that it is a fit case to enlarge the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his 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. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE