

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 157 of 2017

Rambati, W/o. Rajkumar Koshle, Aged About 35 Years, R/o. Village-Sarwani, Police Station- Kasdol, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station-Kasdol, District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Suresh Kumar Verma, Advocate

For Respondent : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/01/2017

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 in connection with Crime No.262/2016 registered at Police Station- Kasdol, District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 294, 506-B, 307/34 of Indian Penal Code.
2. As per the prosecution case, on a dispute over some agricultural field on 12.07.2016 the applicant alongwith her husband Rajkumar and son Komal assaulted Shivilal by way of Axe and Club, which was sufficient to cause death. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is the wife of the other co-accused Rajkumar and she has not assaulted by way of Axe and the main allegation of assault by Axe was upon her husband and she has only used a Club. He further

submits that the charge sheet has been filed and no further investigation is necessary and the applicant is a lady, therefore, she may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of Shivilal, the injured. Considering the statement of Shivilal wherein assault by Axe was attributed to Rajkumar and further considering the role played by the applicant and she being a lady is in jail since 13.07.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge