

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 520 of 2017

- Smt. Dashoda Bai Patel W/o Alakhram Patel, (Marar) Aged About 40 Years R/o Village Jijamgaon, Chowki, Birejhar, Post Office, Police Station & Tahsil Kurud, District Dhamtari Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kurud, District Dhamtari Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Shivendu Pandya, Advocate
For the Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 365/2016 registered at Police Station Kurud, Distt. Dhamtari (C.G) for the offence punishable under Sections 302, 318, 315, 201/34 IPC.
2. As per the prosecution case, a dead body of the child aged about 8-9 months was recovered from a well of Gulab Sahu. Subsequently on enquiry it was revealed that the applicant's daughter had relations with one Tikeshwar Satnami whereby she became pregnant and thereafter when the child was born, it was thrown into the well with the help of the present applicant.
3. Learned counsel for the applicant would submit that there is no evidence to show against the present applicant and only on presumption, the applicant has been arrested. It is further submitted that by mere confession of co-accused, the

applicant cannot be inculpated and the applicant is a lady and is in jail since 24.08.2016, therefore, she may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statements of one Gulab Sahu and Smt. Seema Baghel. Considering such statements of witnesses as also the fact that the applicant is a lady and is in jail since 24.08.2016, without any further observations on merits of the case, I am inclined to release her on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on her 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 for her appearance before the said Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**