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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 561/2017

Dhaneshwari Bai wife of Parmeshwar @ Purru, aged about 31 years, R/o village Selar, PS Seepat, Distt. Bilaspur (CG)

versus

State of Chhattisgarh, through the Station House Officer, Police Station, Seepat, Distt. Bilaspur (CG)

For applicant Mr. V.C. Ottalwar, Adv.
For Respondent/State Mr. Arvind Shukla, Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

10/04/2017

1. Heard finally.
2. The applicant has preferred this application for grant of bail as she is arrested in connection with Crime No. 3/2016 registered in PS Seepat, Distt. Bilaspur for offence punishable under Sections 284, 506, 323, 307 and 34 of IPC.

3. Learned counsel for the applicant submits that case has been registered against the present applicant and her husband Parmeshwar @ Purru. Co-accused is also in custody. Charge sheet has been filed. The matter is pending before the JMFC, Bilaspur, though learned counsel is not in a position to state the criminal case number and submits that in the later part of investigation, it is stated that the applicant was not involved in assaulting the victim. The victim/injured received a fracture on head but he was admitted in the hospital from 2-1-2016 till 11-1-2016 and thereafter he was discharged. No criminal antecedent is reported by the police in the case diary. She is the first offender and woman, the incident occurred suddenly on account of some dispute regarding money. She will not repeat the offence, she may be enlarged on bail.

4. Learned counsel for the State opposed the bail application and submits that in the FIR registered against the accused persons, role

of the applicant is well shown. On account of fracture over the head the injured was admitted in the hospital for 9 days. Hence instant bail application may be rejected.

5. Perused the matter.

6. On due consideration, for the reasons that the applicant is a woman and first offender with no criminal antecedent, the injured is already discharged from hospital, charge sheet has been filed and investigation is completed, I am inclined to grant bail. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Bilaspur CG for his appearance before the said Court regularly as and when directed by the said Court.

7. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court Court intentionally, (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak