

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 724 of 2017

Smt. Kamta Yadav @ Mamta Yadav, W/o. Vinod Kumar Yadav, Aged About 38 Years, R/o. Village Birghani Chowk, Devatan, Police Station & Tahsil Janjgir, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Janjgir, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

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.429/2016 registered at Police Station- Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Section 302/34 of Indian Penal Code & Section 3(2)(5) of SC, ST Act.
2. As per the prosecution case, on 11.10.2016 a dispute occurred in between the deceased Akhilesh Kumar who was an Auto driver and Vinod Kumar who was a fruit vendor as some loss was caused to the fruit vendor and the applicant alongwith her husband Vinod Kumar asked the deceased to compensate them and therefore on that issue, the altercation aggravated and during such altercation, the minor son of the applicant, Prem Sagar assaulted the deceased by way of knife on his chest and subsequently he died.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and out of sudden provocation, the minor son has assaulted the deceased and the applicant has not caused any assault and they were only asking for the compensation and therefore, the applicant 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 Rupan Singh, who is the eye-witness, wherein the entire allegations have been attributed to the son of the applicant Prem Sagar. Considering the background of the incident and the way the offence has been committed, 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