

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 937 of 2017

1. Nand Kumari Gabel, W/o. Shri Mahadev Gabel, Aged About 54 Years, R/o. Village Beejatrai, Chowki- Fasterpur, Police Station- City Kotwali, District- Mungeli, Chhattisgarh.

----Applicant

Versus

1. State Of Chhattisgarh, Through: Police Station, City Kotwali, District -Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dharendra Pandey, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/02/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.391/2016, registered at Police Station – City Kotwali, District – Mungeli (C.G.) for the offence punishable under Section 304 B, 302, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made that one Arti Gabel who was married to son of the present applicant died on 11.08.2016. It is alleged that she was subjected to cruelty and was poisoned before her death. She was married to son of the present applicant two years prior to the date of incident.
3. Learned counsel for the applicant would submit that there is no evidence against the present applicant and statement of Dr. Sanjay

Agrawal would be relevant wherein it is stated that deceased came to him for treatment of some injury which she sustained on her leg whereas postmortem report shows that she died due to poison. No allegations have been attributed to the present applicant. He would further submit that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.8217/2016, vide order dated 24.01.2017, therefore, the applicant may also be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that similarly placed co-accused has been enlarged on bail.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary, documents as also the postmortem report, which shows that death was due to some poison. Reading of the case diary and merg diary would show that statement of uncle of the deceased was recorded and shows that injury on leg was complained. However, photocopy of the case diary do not show that any statement is enclosed. It appears that the statements of the witnesses do not form part of the case diary which is placed for perusal before this Court though the same appears to have been recorded.
7. Taking into consideration the facts and circumstances of the case and further considering the nature of allegation against the present applicant and further considering the fact that similarly placed co-accused in this case has been enlarged on bail by this Court in M.Cr.C. No.8217/2016, vide order dated 24.01.2017, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on her furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram