

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. No. 2178 OF 2017

Anita Sahu wife of late Vishnu Sahu aged about 23 years resident of Mahaveer Ward Bhatapara at present resident of village Magarghata Police Station Nandghat District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Bhatapara (City) District Balodabazar Bhatapara (C.G.).

---- Non-applicant

 For Applicant : Mr. C.R. Sahu, Advocate
 For Non-applicant : Mr. Adil Minhaj, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2017

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.55/2017 registered at Police Station- Bhatapara (City), Distt. Balodabazar Bhatapara (C.G.) for the offence punishable under Section 306 of the IPC.
2. As per the prosecution case, the applicant is the wife of deceased husband Vishnu Sahu. It is alleged that the applicant has extended threat that the deceased and family members would be inculpated her in the false case. Certain reports were made, in which, it was alleged that the applicant has abated the deceased to commit suicide and as a result thereof, the deceased Vishnu Sahu set himself on fire on 19.7.2016 and he eventually succumbed to the burn injury on 23.7.2016 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and there is no evidence of abatement. He would further submit that certain quarrel took place between the deceased and the applicant, who are husband and wife, which ought not fall under the abatement. He would further submit that the charge-sheet has been filed and no further investigation would be necessary. He would lastly submit that the applicant is in jail since 14/03/2017, therefore, she may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.
5. Perused the case diary and the dying declaration of the deceased Vishnu Sahu. Taking into consideration the fact and circumstances of the case; the charge-sheet has already been filed and the applicant is lady and she is in jail since 14/03/2017, 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.

Certified copy as per Rules.

Sd/-

(Goutam Bhaduri)
Vacation Judge