

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4524 of 2017

Smt. Butai Toppo, W/o. Late Birhol Toppo, Aged About 40 Years, R/o. Village -Kotwarpara, Police Station -Rajpur, District – Balrampur-Ramanujganj, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Rajpur, District -Balrampur -Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Yadav, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2017

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 on 31.08.2015, in connection with Crime No.135/2015, registered at Police Station – Rajpur, District – Balrampur (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The deceased Birhul was drunkard, who fell down and sustained

injuries, which has resulted in his death. The witnesses examined before the trial Court have turned hostile and there are no other material witnesses to be examined, hence, under these circumstances, it is prayed that applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that as per the FIR, the applicant made extra judicial confession before her son, the informant in this case that she assaulted her husband with crowbar, which has resulted in his death, hence prayed that application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case, deceased was in drunken condition and assaulting his wife i.e. the applicant, the applicant picked up a crowbar and assaulted her husband because of which he got injured and died. There is no eyewitness in this case. The case is based on the evidence of extra judicial confession and circumstantial evidence. Looking to the hostility of the witnesses in this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram