

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4633 of 2017**

- Smt. Jaikunwar W/o Banshi Prasad Sahu, Aged About 45 Years R/o Village Barampur, Akhradaand, Police Station Khadgawan, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khadgawan, District Koriya, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Pawan Kumar Shrivastava, Advocate.

For Non-applicant : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.11.2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the charge-sheet provided by the learned counsel for the State in connection with crime No. 133/2016 registered at Police Station – Khadgawan, District - Koriya (C.G.) for the offence punishable under Sections 306, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the deceased Shantanu was the wife of the co-accused Ram Pravesh Sahu. The present applicant Jaikunwar is the mother-in-law of the deceased. The marriage was performed on 23.04.2016. The applicant and the co-accused were harassing the deceased. On 16.08.2016, the deceased committed suicide by consuming poison.

4. The co-accused Ram Pravesh Sahu has already been enlarged on bail by this Court on 09.11.2016. The allegations made against the applicant are not different from released co-accused Ram Pravesh Sahu. The charge sheet has already been filed.
5. Learned counsel for the applicant submits that the applicant is in detention since 21.06.2017. The Applicant has no criminal background. He further submits that since the co-accused in the same Crime No. has already been released by this Court on bail, the applicant may also be extended same benefit on parity and be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take own time, applicant is in custody since 21.06.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Accordingly, the bail application of Smt. Jaikunwar filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant- Smt. Jaikunwar furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that she will appear before the Trial Court at 11:00 am as and when directed till trial and she would cooperate during the trial, she shall be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE