

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 4924 OF 2017

Smt. Radhika Pandey @ Radha Bai, W/o Munnu Pandey, aged about 34 years, R/o Village Bhagdeva (Plotpara), Near Bijli Sub Station, Police Station- Kondagaon, District Kondagaon (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Police Station- Kondagaon, District Kondagaon (C.G.)

... Respondent

For Applicant	:	Mr. R.K. Bhagat, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 29.1.2017 in connection with Crime No.28/2017 registered at Police Station Kondagaon, District Kondagaon, for the offence punishable under Sections 302, 323, 34 of IPC.

2. As per the prosecution case, on 25.1.2017, the present Applicant along with co-accused Munnuram Pandey is said to have assaulted one Kasadhar and on account of the assault, Kasadhar died on the next date.

3. Learned Counsel for Applicant submits that the only allegation against the present Applicant is that of catching hold of the deceased- Kasadhar when the co-accused Munnuram Pandey had assaulted him with a club. He further submits that it is a case where there was a boundary dispute between the two families and therefore a quarrel which led to the incident and there was no intention of killing the deceased-Kasadhar. He also submits that the record shows that it was only a single blow which was given on the head of the deceased which proved to be fatal. He next

submits that the present Applicant is a lady and is in jail since about 10 months and therefore the period of custody may also be taken into consideration for grant of bail. He thus prayed for the release of the Applicant on bail.

4. Learned Counsel for the State however opposing the bail application submits that there are eye-witnesses in the instant case also who have witnessed the present Applicant catching hold of the deceased when the deceased was being assaulted by the main accused - Munnuram Pandey and thus the offence against the present Applicant in the involvement of the death of the deceased stands proved. He thus prayed for the rejection of the bail application.

5. Having considered the submissions put forth on either side and taking into consideration the statements of the eye-witnesses and also the fact that it is a case where there appears to be a prima facie role played by the present Applicant in the assault which was made on the deceased- Kasadhar which resulted in his death, this Court is of the opinion that prima facie it is not a fit case for grant of bail to the Applicant at this juncture.

6. The application for grant of bail stands accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge