

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5150 of 2017

- Smt. Yamini Verma W/o Tameshwar Verma, Aged About 21 Years R/o Bazar Atariya, Police Station Khairagarh District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon, Chhattisgarh,

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr.Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/12/2017

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. 193/2017, registered at Police Station- Khairagarh, District – Rajnandgaon(C.G.) for the offence punishable under Sections 147, 148, 149, 307 & 302 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 7.7.2017. There had been some dispute regarding property between applicant and the complainant party, who happen to be the member of the same family. As it is alleged, that applicant had simply assaulted with hands & fists only, she had no role to play in the murder of any of the deceased persons. At the time of incident, applicant had a child of

14 months and she was also pregnant at the same time, hence, this condition of her could not have permitted her to engage in any violent act and the allegation levelled against her is false. Hence, it is prayed that she may be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit, that it is a case of double murder and the allegation against the applicant is very clear, as is evident from the statement of the witnesses, that she had been party to the assault which resulted into death of Bodhi Verma. Hence, act of applicant comes under purview of 'the act done in furtherance of common object'. For these reasons, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The fact of the case are these, that the complainant party and the accused party, who happen to be the part of same family tree, had some old land related dispute and on account of which a quarrel took place between them on the date of incident. During the course of that quarrel, deceased Kheduram left with his wife Ganga Bai on a motorcycle. He was followed by co-accused Tameshwar and Vishram, both of them came back and informed that they have killed Kheduram and Ganga Bai. In the course of quarrel, deceased Bodhi Verma was assaulted by applicant and others by hands and fists, whereas Tameshwar & Vishram had assaulted him by rod. Bodhi Verma died due to injuries caused to him.
6. The facts in the case diary shows that applicant had been a party in the quarrel. She did not follow Kheduram when deceased Kheduram was done to death by co-accused persons. As per panchnama, the cause of death of deceased Bodhi was the head injuries which could

not have been caused by this applicant. This is also a fact that applicant had a child at the time of incident and she was pregnant also. As informed, applicant gave birth to another child during her detention period and both the children are with her in the jail.

7. Taking into consideration over all circumstances of this case, and also the other facts related to the applicant herself, I am of this view that this is a fit case where the applicant should be benefited with the grant of regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge