

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6772 of 2017

1. Sushila Bai Sahu W/o Banshilal Sahu, Aged About 53 Years, R/o Village Chharchhed, Thana Kasdol, District Balodabazar-Bhatapara Chhattisgarh
2. Ku. Mansi, D/o Banshilal Sahu, Aged About 19 Years, R/o Village Chharchhed, Thana Kasdol, District Balodabazar-Bhatapara Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Thana Kasdol, District Balodabazar Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Shrivastava, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Shri Sumit Shrivastava, Advocate for the
objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for regular bail. The applicants were arrested on 12-05-2017 in connection with Crime No.189/2017 registered at P.S. Kasdol, District Balodabazar-Bhatapara, C.G. for the offence under Section 302/34 of the IPC.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. The only witness of prosecution in this case is a 7 years old child, the statement of this witness alone cannot be relied upon unless it is corroborated. The other witnesses in this case are just hearsay witnesses and further, the role of the applicants in this case was not as such that they have done any overt act in causing death of the deceased. Hence, on the basis of these grounds

it is prayed that the applicants may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission and submits that the main eye-witness in this case is though a child witness, but his statement is relevant in all respect, he has given clear statement that main accused Banshilal caught hold of the deceased and drowned her into water of the pond and at that time applicant No.1 Sushila Bai Sahu was encouraging the main accused and applicant No.2 Ku. Mansi was also holding the deceased. Hence, looking to the nature of the evidence against the applicants, they are not entitled for grant of regular bail.

4. Learned counsel appearing for objector adopts argument advanced by learned counsel for the State/non-applicant and submits that there is sufficient evidence against the applicants in this case, hence the applicants are not entitled for grant of regular bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Facts of the case are these that on the date of incident both the applicants were taking bath in the village pond, at the same time deceased Koushilya, who was present on the spot, started quarreling with the applicants, on account of which husband of applicant No.1 namely Banshilal Sahu came to the spot and quarreled with the deceased and then he caught hold of hair of the deceased and forcefully drowned her head into water, which caused death of deceased Koushilya.

7. The main allegations in this case is definitely against accused Banshilal Sahu, but there is statement against applicant No.1 Sushila Bai

Sahu about encouraging the main accused. Taking into consideration this fact that applicant No.2 Ku. Mansi is aged about 19 years and also considering the only evidence available against her in the case, I am of this view that prayer of applicant No.2 Ku. Mansi deserves to be allowed, whereas, the prayer made by applicant No.1 Shushila Bai Sahu for grant of regular bail does not deserve to be allowed.

8. Accordingly, the prayer made by applicant No.1 Sushila Bai Sahu for grant of regular bail is hereby rejected.

9. The prayer made by applicant No.2 Ku. Mansi for grant of regular bail in the present matter is allowed. It is directed that applicant No.2 Ku. Mansi 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 Court, for her appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge