

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 187 of 2017

Smt. Devpat, W/o. Ranbichar, Aged About 45 Years, R/o. Village Sarna,
Police Station Raghunathnagar, District Balrampur-Ramanujganj,
Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

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.44/2016 registered at Police Station- Raghunathnagar, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 302, 201/34 of the Indian Penal Code.
2. As per the prosecution case, a dead body of Gulab Chand Kewat was found in the field of Bihari Jaiswal. It is alleged that the said murder was committed by one Kunti Bai as she was having illicit relation with the deceased, therefore, she took the help of Smt. Devpat and Ramvichar and in one night, the deceased was called in the house and thereafter he was assaulted and subsequently his dead body was thrown into the field.
3. Learned counsel for the applicant would submit that no allegation of assault is attributed to the present applicant, which would be

evident from the memorandum statement of Kunti Bai and only on the basis of memorandum statement of the co-accused, the present applicant has been inculpated. He further submits that maximum the case would fall under Section 201 against the present applicant as the main allegation of assault is attributed to Kunti Bai and Ramvichar, therefore, the present applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, memorandum statement and the evidence. Taking into fact that main allegation of assault to cause death is on the other co-accused Kunti Bai and Ramvichar and considering the nature of allegation and evidence against the present applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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/-
(Goutam Bhaduri)
Judge