

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7708 of 2017

- Smt. Janki Bai W/o Late Maheshram Kumhar Aged About 70 Years Caste Kumhar, R/o Chintaram Colony, Ward No. 14, Sakti, Tehsil And Police Station Sakti, District Janjgir Champa, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Janjgir Champa, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. Hemant Kesharwani, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

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

14/03/2018

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.219/2017, registered at Police Station– Sakti, District– Janjgir Champa (C.G.) for the offence punishable under Sections 302, 201, 304-B, 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is an old age lady suffering from various old age ailments. Prosecution has come up with a totally improbable case against this applicant. Applicant is in jail since 12.8.2017 and she is ready to abide by all the conditions and directions, which may be imposed while granting bail to her. Hence, it

is prayed that she may be released on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that it is a clear cut case of murder for which this applicant and co-accused persons are being prosecuted. Hence, no case is made out for grant of bail to this applicant.
4. Heard both the parties and perused the case diary.
5. Marriage of deceased Rajkumari was solemnized with co-accused Laxmi Narayan about four years prior to the date of incident. On 5.8.2017 a morgue intimation was given by brother of co-accused Laxmi Narayan that deceased has committed suicide by hanging herself. During inquest procedure report was given by doctor conducting autopsy that the death of deceased was homicidal in nature as she died due to strangulation and based on which FIR was registered on 12.8.2017. Subsequent to that, the statement was made by the witnesses that deceased was subjected to torture for demand of dowry. Hence, the offence for commission of murder as well as dowry death was registered against this applicant and co-accused persons, for the reason that this applicant and co-accused persons were the only inmates in the house when the suspicious death of deceased occurred.
6. Considering on the contents of the case diary and submissions made in this respect. Taking into consideration the facts and circumstances of this case, in particular the fact that present applicant is an age old lady and trial against her is likely to take some time before its conclusion, I am inclined to grant bail to her.
7. 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

Nisha