

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. 420 of 2018

- Smt. Muni Bai W/o Amarsai Lakda, Aged About 40 Years R/o Village Bhouna, Police Station Kapu, District Raigarh Chhattisgarh , Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kapu, District Raigarh Chhattisgarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ajeet Kumar Yadav,
Advocate.

For the Respondent/State : Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20.03.2018.

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. 65/2017, registered at Police Station – Kapu, District – Raigarh, (C.G), for the offences under Section 302 read with Section 34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and she is in jail since 26.08.2017. No case is made out regarding the offence under Section 302 of the IPC against her on the basis of material present in the charge- sheet, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident, altercation was going on between Amar Sai and this applicant and co-accused- (Sanjay), when Amar Sai made his escape from the spot of the incident. At that time on asking of co-accused – Sanjay, this applicant providing him with an Axe. Co-accused- Sanjay went with that Axe to chase Amar Sai, but he found the deceased – Guni Bai on the way and assaulted her on head with that Axe, because of which she was done to death.
6. Considering the submissions made, contents of the case diary and also considering the material present in the charge-sheet, it is apparent that the present applicant was not present on the spot when the co-accused -(Sanjay) assaulted the deceased with Axe, hence, for this reason, I am of the view that it is a fit case where the applicant should be released on bail.
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