

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 801 of 2018**

Smt. Mangaldai, W/o. Peelanath, Aged About 58 Years, R/o. Village Gaurdand, Police Station -Chhotedonger, District- Narayanpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Chhotedonger, District Narayanpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vaibhav A. Goverdhan, Advocate

For State/respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/04/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.5/2016, registered at Police Station – Chhotedonger, District – Narayanpur (C.G.), for the offence punishable under Section 147, 148, 149, 302, 458, 365, 120-B, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 02.04.2016. The case against the applicant is still pending after passing of about two years. No case is made out against this applicant

on the basis of the material present in the charge-sheet. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the memorandum statement of co-accused Saitu Ram, this applicant was one of the member of the unlawful assembly that committed the murder of the deceased Sampat Belsariya and Neera Belsariya, hence, she is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that on the date of incident the deceased Sampat Belsariya and Neera Belsariya were done to death by the main accused along with this applicant for the reason that they were allegedly engaged in witchcraft and sorcery. After lodging of FIR, this applicant has been arrayed as an accused on the basis of the memorandum statement of co-accused.
6. Considered on the submissions made and the contents of the case diary. After considering on the statement of the witnesses regarding identification of the person present on the spot, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant 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 trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram