

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2464 of 2018

- Smt. Dashoda Sahu W/o Shri Amaru Sahu, Aged About 28 Years, R/o- Village- Khairkhund, Police Station House- Dharsiwa Tahsil- Dharsiwa, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Dharsiwa, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashok Verma and Shri Gajendra Sahu, Advocates.
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 20-11-2017 in connection with Crime No.548/2017 registered at Police Station Dharsiwa, District- Raipur, Chhattisgarh for the offence under Section 306/34 of the IPC and Section 4, 5 of Tonhi Pratarna Nivaran Adhiniyam.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. She is in jail since 20-11-2017. The applicant is in jail along with a suckling child of 1 ½ years. No case is made out against her according to the prosecution case. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant was the person at whose instance the deceased was identified as sorcerer, hence, she is not entitled for grant of bail.

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

5. According to the prosecution case, this applicant is daughter-in-law of

deceased Bisahin, both had some dispute between them. On 04-11-2017 this applicant called a meeting of elders of the village, in which, she alleged against the deceased that she is a sorcerer, because of which, the village elders gave some advice to the deceased in hard words. The deceased set herself ablaze on 09-11-2017. Thereafter, she was admitted in the hospital for treatment where she died on 19-11-2017. Hence, this case.

6. According to the material present in the case diary, it appears that the deceased and the applicant, her daughter-in-law, were not in good terms with each other and they habitually made similar allegation against each other of being sorcerer. The dying declaration of the deceased also does not make any direct allegation against this applicant. Hence, for these reasons, I am of this view that this is a fit case for grant of bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for her appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge