

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3414 of 2018**

Smt. Jamuna Gond W/o Maneshwar Gond, Aged About 45 Years,
R/o Village Chandragarh, Sarna Para, P. S. Rajpur, District
Balrampur-Ramanujganj Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station Rajpur, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ashok Kumar Shukla, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/07/2018**

This is the first application filed u/s 439 of Cr.P.C. for grant of regular bail to the applicant who is in jail since 09.01.2018 in connection with Crime No. 14/2018 registered at Police Station- Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 302 & 201 of IPC.

2. The allegation against the present applicant as per the prosecution is that she is said to have killed her daughter Pratima @ Nano, aged around 10 years on 20.05.2017. As per the prosecution case, the applicant is said to have hanged the child on a branch of mango tree. Merg intimation was lodged by the applicant herself and later on, in the course of investigation, the applicant on suspicion was arrested on 09.01.2018.

3. Counsel for the applicant submits that the applicant has been arrested only on the ground of suspicion and that there is no material

whatsoever collected either in the course of investigation or from the possession/custody of the applicant which could be termed as incriminating. He further submits that the prosecution story itself does not have sufficient strength to withstand the test of trial for the simple reason that though they float the theory of the deceased having died of hanging but the postmortem report shows that she had died on account of asphyxia due to drowning. He further submits that the injury mark around the neck also said to be postmortem and not antemortem. For all these reasons, the applicant deserves to be released on bail.

4. State counsel, however, opposes the bail application.

5. Having heard the contentions on either side and on perusal of the record what clearly reflects from the case diary is that no substantive material is collected by the prosecution while making the present applicant as an accused. Except for the suspicion in the mind of the prosecution there does not seem to be any concrete substantial material available with which the applicant can be said to be an accused. For the said reasons, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

Sd/-

**(P. Sam Koshy)
JUDGE**