

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4388 of 2018**

Kamala Bai Dhiwar W/o Daulal Dhiwar Aged About 50 Years R/o-
Village Tekari, Police Station Vidhansabha, Tahsil & District- Raipur, ,
District : Raipur, Chhattisgarh **--- Petitioner**

Versus

State of Chhattisgarh through- Station House Officer, Police of Police
Station Vidhansabha Raipur, Tahsil & District- Raipur, District :
Raipur, Chhattisgarh **--- Respondent**

For the applicant	:	Mrs. Smita Jha, Advocate.
For the Respondent	:	Mr. Sangharsh Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board**03.07.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 355 of 2017 registered at Police Station Vidhan Sabha, District Raipur (C.G) for the offences punishable under Sections 294, 307, 302, 34 of IPC.
2. As per the prosecution case, the accused and complainant are neighbors and on 28.12.2017 a dispute took place over falling of dry leaves of drum-stick tree in the premises of the complainant and the quarrel further aggravated between the two families of accused applicant and deceased/victim wherein the husband of applicant namely Daulal came with knife and assaulted Malti. It is alleged that when the complainant Malti was being assaulted by Daulal and his wife (present applicant), her husband Shankar Lal tried to save

her and in that process applicant's husband Daulal assaulted Shankarlal and Malti by knife and because of knife blows Shankarlal died. The allegation against the present applicant is that after the stab injury sustained by the deceased and his wife Malti, the applicant gave kicks over the face of other injured.

3. Learned counsel for the applicant submits that the incident took place in a spur of moment and the main allegation of assault by knife is on Daulal. He further submits that the charge sheet has been filed and the applicant is lady and is in jail since 30.12.2017, therefore, she may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of victim injured and witness Malti Tiwari wherein the main allegation of assault by knife is made on co-accused Daulal.
6. Considering the statement of victim and the fact that applicant is a lady and is in jail since 30th December, 2017, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in 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.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**