

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7062 of 2018**

Sunita Verma, W/o late Sonu Dewangan, aged about 35 years, R/o Sharda Para, Somkar Mohalla, Camp-2, Bhilai District Durg (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Chhavni, Bhilai, District Durg (CG).

---- Non-applicant

For Applicant : Mr. T.K. Jha, Advocate

For Non-applicant : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.10.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the copy of charge-sheet provided by the counsel for the State in connection with Crime No.429/2018 registered in Police Station Chhawani, District Durg for the offence punishable under Section 302 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the present applicant is a wife of deceased Sonu Dewangan. They were residing in J.P. Nagar, Camp-2, Chhavni, Bhilai, District Durg. On 30.05.2018 at about 3:00 pm a quarreled was happened between the applicant and deceased. The applicant caused injury on the head of the deceased by cricket bat as a result the deceased was died on 31.05.2018.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that on 30.05.2018, the deceased entered in the house after consuming liquor, he tried to press the neck of the applicant to save her life she forced him at that time his head was hit on the wall.

The applicant was also sent hospital for medical examination; and being a woman, she may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. However, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. I have heard counsel appearing for the parties and perused the case diary with utmost circumspection.
7. The defense raised may be considered by the Trial Court at the time of appreciation of the evidence while deciding the case on merits.
8. Looking to the above mentioned facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
9. Consequently, the bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-