

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8990 of 2018**

Smt. Koyata Bhoi W/o Shri Subhash Bhoi, aged about 42 years R/o Village Singarpur, Police Choki Baloda, Thana Saraipali, Distt. Mahasamund (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Police Chowki Baloda and Police Station Saraipali, District Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. R.S. Patel, Advocate
For Respondent	:	Mr. Adil Minhaj, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/12/2018

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 253/2018 registered at Out Post Baloda, Police Station Saraipali, Distt. Mahasamund (C.G.) for the offence punishable under Sections 294, 323, 302 & 34 of the IPC.
2. As per prosecution story, on 08/08/2018 due to some quarrel, Deceased Sudhama Bhoi was assaulted by co-accused Pradeep and Subhash. The Deceased sustained grievous injuries. It is alleged that the Applicant who is wife of Subhash also participated in the said offence. Initially offence under Section 307 of the IPC has been registered. On 20/08/2018 during treatment the Deceased died, thereafter, offence under Section 302 of the IPC has been added. The Applicant has been arrested on 11/08/2018.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated. Though there are two eye-witnesses namely Kishore and Shekhar, from perusal of their statement it seems that the main assailant is co-accused Pradeep. The Applicant did not participate in the said crime. Merely the presence of the Applicant on the spot cannot connect her with the crime in question. He prays that the Applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the main assailant is co-accused Pradeep, the Applicant is in custody since 11/08/2018 and trial will likely to take some time, without further commenting on merit of the case, I am inclined to release the Applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge