

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.208 of 2019**

Joya Kadar, Wife of Ashik Kadar, aged about 22 years, R/o Boriyakhurd,
R.D.A. Colony, Police Station Tikrapara, District Raipur. **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, P.S. Tikrapara, District
Raipur (CG). **---- Non-applicant**

For Applicant : Mr. B.L. Sahu, Advocate.
For Non-applicant/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.560/2018 registered in Police Station Tikrapara for the offence punishable under Sections 307, 34 of Indian Penal Code.
3. Prosecution story in brief is that on 03.12.2018 at about 9:45 p.m. at Tikrapara, the applicant caused injury on the abdomen of complainant Krishna Vishwakarma by knife due to which his intestine was come out.
4. Counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case hence she may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail however he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. As per enclosed certified copy of order sheet dated 26.12.2018 passed by Sessions Judge, Raipur, the complainant Krishna Vishwakarma was appeared in the Court and filed an affidavit that the present applicant was not involved in the incident and he had not filed any complaint against the applicant.
7. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that she shall appear before the Trial Court at 11:00 am as and when directed till trial and she would co-operate during the trial, she shall be released on bail and she shall not commit any such type of offence in future.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-