

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 851 of 2019

- Smt. Kamlabati Sahu W/o Manharan Sahu Aged About 53 Years R/o Village Sonpairi, Police Station Mujgahan, Tahsil Abhanpur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Mujgahan, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajesh Tiwari, Advocate.
For Respondent/State	: Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/03/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime no. 239/2018, registered at Police Station Mujgahan, Tahsil Abhanpur District Raipur (C.G.) for the offence punishable under Sections 306, 494 & 34 of the IPC.
2. In this case, the applicant is the mother-in-law of the deceased Tikeshwari Sahu. As per prosecution story, marriage between the deceased and the co-accused Lukesh Kumar has been solemnized on 25.02.2012, from their wedlock they have two children. On 26.09.2018, deceased committed suicide by hanging herself. Allegedly, husband of deceased/co-accused Lukesh Kumar kept a lady namely Shashi Thakre in Raipur as his second wife since 2017, due to that, he mostly resides at Raipur with his second wife. It is further alleged that whenever the co-accused was come to meet the deceased, he often harassed her. Allegation against the applicant is that she supports her son regarding the same and she also used to harassed the deceased, due to that deceased committed suicide. The

applicant is in custody since 08.12.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. There is no evidence available on record on the basis of which prima facie offence under Section 306 of the IPC can be made out against her, only general allegations have been made against her. He further submits that the applicant is a lady and she is in custody since 08.12.2018, charge-sheet has already been filed and trial will take some time. Therefore, she 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 the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is a lady and she is in custody since 08.12.2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits 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 applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge