

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 904 of 2019

- Smt. Lalita Dhritlahare, W/o Seuk Ram Aged About 34 Years, R/o Village-Deurjhal, Police-Station-Nandani Nagar, District-Durg Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Nandani Nagar, District-Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Arvind Dubey, Advocate.
For Respondent/State	:	Mr. Devendra Pratap Singh, Dy. Adv. Govt.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.0191/2018 registered at Police Station–Nandini Nagar, District–Durg(C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 11.7.2018. She did not have any intention to cause death of her children. It was a moment when her husband was beaten her in drunken state because of rage and anguish, she has committed this act by jumping into the well with her children. Therefore, it may be a case of exception, hence, it is prayed that she may be enlarged on regular

bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that in this case two children of the applicant herself have died due to drowning because of the act of the applicant, therefore, she is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. It is alleged that this applicant jumped into the well with her two children with intention to commit suicide. Her children died due to drowning, however, the applicant was saved.
6. After considering the entire material present in the case diary and the facts and circumstances of this case, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha