

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3389 of 2019

Parvati Sahu, W/o. Kumar Sahu, Aged About 56 Years, R/o. Village Bharda,
Police Station and Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Kurud,
Civil and Revenue District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. Kushwaha, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/07/2019

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.528/2018, registered at Police Station –Kurud, District – Dhamtari (C.G.) for the offence punishable under Section 306, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 09.04.2019. The only allegation against this applicant according to the evidence of prosecution is this that she had beaten the deceased about 4-5 months prior to the date of incident, which does not amount to offence of abetment to commit suicide. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the deceased Godawari Sahu was married to the son of the applicant. She committed suicide on 11.11.2018 by hanging herself. Morgue intimation was recorded and thereafter on the basis of the morgue enquiry, FIR has been lodged on 09.12.2018.
6. Considered on the submissions made and the contents of the case diary. On perusal of the diary statement of the witnesses allegation against this applicant is limited to that extent that she has thrashed the deceased 4-5 months earlier from the date of incident and there is also a statement that this applicant is residing separately, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge