

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5354 of 2019

Dev Kumari Chandra, W/o. Shri Ganesh Ram Chandra, aged about 36 years,
R/o. Village - Bodsara, Police Station - Jaijaiur, District - Janjgir Champa,
(Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Jaijaipur, District - Janjgir
Champa, (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate
For Respondent/State	: Mr. Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/09/2019

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.186/2018, registered at Police Station – Jaijaipur, District – Janjgir-Champa (C.G.) for the offence punishable under Section 302 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. The applicant is in jail since 26.10.2018. If the case of the prosecution is taken as it is even then it amounts to exercise of right of private defence on the part of the applicant. Further all the material witnesses have been

examined before the trial Court and none of them have supported the prosecution case. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that at the instance of this applicant, weapon of offence has been recovered and seized, which is an circumstance present against her on the basis of which, the prosecution may establish it's case. Hence, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident, this applicant committed murder of her own father-in-law Vidur @ Itwari Chandra by assaulting him with club and sickle. When complainant Tirth Chandra inquired about the incident from this applicant, she informed that the deceased was trying to outrage her modesty, therefore, she has committed his murder.
6. Considered on the submissions made and the contents of the case diary. Considering that the prosecution was brought only on the basis of extra judicial confession and the recovery made at the instance of this applicant. Certified copy of the deposition of witnesses before whom the applicant made extra judicial confession is produced along with the application. On perusal of the same, it is found that none of the witnesses have supported the prosecution case. Further the ground in defence has also been raised by the applicant that she acted in right of private defence. Therefore, under these circumstances, and for this

reason that the applicant is a woman, 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

Balram