

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6166 of 2019**

- Sukwara Bai, W/o Shivnarayan Bhagel, Aged About 50 Years, R/o Village - Doma, Police Station Malkharoda, Tahsil Malkharoda, District Janjgir Champa (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through The District Magistrate And Station House Officer, Police Station Malkharoda, District Raigarh (C.G.).

---- Respondent

For Applicant	: Mr. Hari Agrawal, Adv.
For Respondent/State	: Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing her on regular bail during trial in connection with Crime No. 288/2018 registered at Police Station Malkharoda, District Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 324, 307/34 of I.P.C.
2. The prosecution story, in brief is that, on 06.11.2018, the victim [who happens to be husband of the applicant herein], the applicant herein and their son namely Chhatram Bhaghel (other co-accused) were sowing onion in their field and during that time a quarrel happened between the applicant and her husband/ victim and over which the co-accused hit the victim (his father) by a shovel (favda). Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the offence is triable by the Judicial

Magistrate First Class. The applicant is in jail since 10.01.2019, there is no likelihood of her case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that she is not main accused and the offence is triable by the Judicial Magistrate First Class. The applicant is in jail since 10.01.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 25,000/-, with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

**Sd/-
(Rajani Dubey)
Judge**