

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 6406 of 2019**

1. Vishwanath S/o Late Chitthu Ram Aged About 67 Years Caste Teli, R/o Village Bijuri Road, Kelhari, Thana Kelhari, Tahsil Manendragarh, District Koriya, Chhattisgarh.
2. Smt. Phoolmat W/o Shri Vishwanath Aged About 64 Years Caste Teli, R/o Village Bijuri Road, Kelhari, Thana Kelhari, Tahsil Manendragarh, District Koriya, Chhattisgarh.

---- Applicants

**Versus**

- State Of Chhattisgarh Through Police Station Kelhari, District Koriya, Chhattisgarh.

---- Respondent

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| For Applicants | : | Mr. Parag Kotecha, Adv. |
| For Respondent | : | Mr. Anurag Verma, P.L.  |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****28/11/2019**

- The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 28/2019 registered at Police Station – Kelhari, District Koriya (C.G.) for the offence punishable under Sections 307, 294, 506, 323 r/w 34 of IPC.
- It is the case of the prosecution that, present applicants with other accused, beaten the complainant, who is daughter-in-law of the applicants, brutally with the help of lathi, hand and fist. After completion of investigation, alleged offences have been registered against the applicants and the applicants have been arrested.
- Learned counsel for the applicant submits that the applicants have been falsely implicated in the crime in question. He further submits

that there is no direct evidence against the applicants and only on the basis of the suspicion, applicants have been involved in the crime in question. As the applicants are in custody since 13.07.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicants, particular considering the case-diary it comes in the light that applicant Vishwanath has beaten the victim brutally with the help of lathi, hand & fist, due to which, the victim got serious injuries. Thus, this Court is of the view that it is not a fit case to release the applicant No. 1 namely Vishwanath on bail. Accordingly, the bail application filed on behalf of applicant Vishwanath is dismissed.
- So far as applicant No. 2, Smt. Phoolmat is concerned, she is a 64 year old lady and only allegation made against her is that she has beaten the victim with the help of hand & fist, 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 Smt. Phoolmat on bail. Accordingly, the application filed on behalf of applicant Smt. Phoolmat is allowed.
- It is directed that the applicant namely Smt. Phoolmat shall be released on bail on her executing a personal bond for a sum of Rs. 25,000/-, with one solvent surety for the like amount to the satisfaction of the Trial Court for her appearance before the said Court as and when directed.

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