

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6860 of 2019**

- Yashoda W/o Nandkishore, aged about 43 years, R/o Ward No. 3, Santoshinagar, Village-Bhimkhoj, P.S.-Khallari, Tahsil - Baghbahrah, District Mahasamund (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer - Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent**And****MCRC No. 7003 of 2019**

- Yashoda W/o Nandkishore, aged about 43 years, R/o Ward No. 3, Santoshinagar, Village-Bhimkhoj, P.S.-Khallari, Tahsil - Baghbahrah, District Mahasamund (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer - Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Siddharth Rathod, Adv.
For Respondent	:	Shri Sameer Sharma, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/12/2019**

Heard.

1. Since in the aforesaid bail applications, the applicant is one and same and arise from the same incident, they are being disposed of together by this common order.
2. The applicant has preferred these first bail applications under

Section 439 of the Code of Criminal Procedure for grant of regular bail as she is arrested in connection with Crime No.399/2003 and 398/2003, registered at Police Station - Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 147, 148, 149, 460, 307, 326, 302 IPC and Sections 25 & 27 of Arms Act.

3. In Crime No.399/2003, it is alleged that in the mid-night of 26.08.2003, the other accused persons including the present applicant formed an unlawful assembly, forcibly entered the house of the complainant armed with deadly weapon and assaulted and caused death of Ravi Telgu and also attempted to cause death of other victims. After lodging the FIR, the case has been registered, the charge-sheet has been filed and the applicant was absconding.

In Crime No.398/2003, it is alleged that on the date of incident, the accused persons along with the present applicant formed an unlawful assembly, forcibly entered the house of the complainant armed with deadly weapons, assaulted and caused death of deceased Dukalu and also attempted to cause death of other victims. Charge-sheet was filed against the other accused persons showing the present applicant absconded.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present applicant had not participated in the offence of commission of murder yet she has been roped in the instant criminal case without any cogent evidence. The trial against the applicant is almost withheld for the reason that the record of the case is not available in the trial Court. He also submits that vide order dated 18.09.2019 passed in MCRC Nos.5198/2019 and 5207/2019, co-accused namely Santoshi has been granted bail by this Court. Hence, it is prayed that the applicant in both the cases may be benefited with grant of regular bail.
5. On the other hand, learned State counsel opposes the bail applications. He further submits that the present applicant

was absconding for 15 years, there is evidence that the present applicant actively participated in the commission of crime, therefore, she is not entitled for grant of bail in both the cases.

6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicant is woman, trial is almost withheld because of non-availability of the record, co-accused namely Santoshi has already been granted bail by this Court, the applicant is in custody since 14.08.2018, without further commenting on merits of the case, I am inclined to release her on bail.
8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicant shall be released on bail on her executing a personal bond for a sum of Rs.25,000/- - Rs.25,000/- in respect of each crime number 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