

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9819 of 2018**

- Yashoda Bai @ Guddi, W/o Shrawan Singh, aged about 39 years, R/o Village – Temri, Judwani Para, Post Office & Police Station – Patna, District – Koriya, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through – The Station House Officer, P.S. Patna, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/01/2019**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 297/2017, registered at Police Station – Patna, District- Koriya, (C.G.) for the offence punishable under Sections 302, 201/34 of IPC.
2. In this case, the Applicant is the wife of the deceased Shrawan Singh. As per prosecution story, on 06.12.2017 at about 9:00pm, co-accused Krishna, who is the son of the Applicant, came to the house in drunken condition and had quarrel with his father (deceased) and assaulted him with the fire stick. Due to this, the deceased sustained injuries and after some time he died. Allegations against the present Applicant is that, she was also present at time of incident and assisted the co-accused Krishna in hiding the dead body of the deceased. On the basis of the said allegations, offence has been registered against the present Applicant. She has been taken into custody on 08.12.2017.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. The only allegation against the present Applicant is that, after the incident, she took her injured husband Shrawan in the heap of straw to save him from his son Krishna. Therefore, *prima facie*, there is no any offence under Section 302, 201 of the IPC can be made out against the Applicant. She is in custody since 08.12.2017 and trial will take time. Therefore, she may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the role played by the Applicant in the alleged offence, she is in custody since 08.12.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge