

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 9916 of 2018**

- Sukaldai Baghel W/o Mithu Ram Baghel, Aged about 45 years, R/o Behind of Panarapara Church, Tahsil Jagdalpur, District Bastar (C.G.)

**---- Applicant**

**Versus**

- State of Chhattisgarh, Through P.S. - Kotwali, Jagdalpur, District Bastar (C.G.)

**---- State/Non-applicant**

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| For Applicant           | : | Shri Vikas A Shrivastava, Advocate |
| For Non-Applicant/State | : | Ms. M. Aasha, Panel Lawyer         |

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**Hon'ble Shri Justice Gautam Chourdiya, J**

**Order on Board**

**14.01.2019**

Heard.

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing her on regular bail during trial in connection with Crime No. 116 of 2018, registered at Police Station- Kotwali, Jagdalpur, District Bastar (C.G.) for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Case of the prosecution, in brief, is that 24 Kg 200 gms of *ganja* was seized from the possession of the applicant and co-accused person namely Smt. Rama Baghel and, thereby the applicant has committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the crime in question as the seizure made is false and fabricated and the seizure witness has turned hostile and not supported the case of the prosecution. He further submits that the applicant, being woman, is in jail since 23.03.2018 and no useful purpose would be served in keeping her in custody. He

also submits that the co-accused has already been enlarged on bail by this Court on 19.12.2018 in M.Cr.C. No. 8703 of 2018 and present applicant also deserves to be released on bail on ground of parity and, therefore, the applicant may also be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that there is no previous criminal antecedents against the applicant.

5. I have heard the learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further considering the fact that the applicant, being woman, is in jail since 23.03.2018 and the fact that seizure witness has not supported the case of the prosecution and turned hostile and there is no previous criminal antecedents against the applicant and also taking note of fact that the co-accused has already been released on bail, 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.1,00,000/ with two sureties 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 till disposal of the trial.

Certified copy as per rules.

Sd/-  
**(Gautam Chourdiya)**  
Judge