

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 331 of 2019**

- Laxmi @ Laxmin Bai W/o Dhan Singh Rathiya Aged About 30 Years R/o Chorha, P. S. Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kharsiya District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Rakesh Kumar Behra, Advocate.
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

01.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 409/2018 registered at Police Station – Kharsiya District Raigarh (C.G.) for the offence punishable under Sections 302, 201/34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 17/07/2018 the dead body of deceased Jaganmati, her son Jitu aged five years old were found in their house at village Choda. Injuries were found on their bodies.
4. During the investigation it was found that applicant had stated to some witnesses that she had washed blood stains with cowdung which were present in the courtyard and the wall of the house of deceased. On the memorandum of applicant one axe, one sari having blood like stains were seized from the applicant. As per the Post Mortem report of the deceased Jaganmati depressed fractures were found on her skull. Doctor opined that death was caused due to strangulation and head injury.
5. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Counsel for the applicant submitted that there is no FSL report on record. Aforesaid statements have been recorded one and half month after lodging the FIR. Thus, she may be released on bail.
8. Looking to the facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE