

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5947 of 2020**

1. Smt. Hema Bai W/o Chetan Das Aged About 26 Years R/o Village Jhirauni, Out Post (Wrongly Mentioned As Police Station In The Order Sheet) - Bazar Charbhatha, Police Station Kabirdham, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Chetan Das Vaishnav S/o Lala Das (Wrongly Mentioned As Lal In The Order Sheet) Aged About 42 Years R/o Village Jhirauni, Out Post (Wrongly Mentioned As Police Station In The Order Sheet) - Bazar Charbhatha, Police Station Kabirdham, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through District Magistrate, Kawardha, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicants : Shri Dharmesh Shrivastava, Advocate
 For Respondent/State: Shri Ravish Verma, GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/11/2020**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.368/2020 registered at Police Station Kabirdham, Out Post Bazar Charbhatha, District Kabirdham for the offence punishable under Section 307, 294, 323, 34 of the IPC. The applicant No.1 was arrested on 28-07-2020 and applicant No.2 was arrested on 27-07-2020.
2. Case of the prosecution is that the applicants assaulted Saroj Das Vaishnav and his wife-Mohni Bai. It is alleged that Saroj Das Vaishnav was assaulted with an intention of causing death.
3. At the outset, learned counsel for the applicant seeks to withdraw the bail application of applicant No.2-Chetan Das Vaishnav.

4. Accordingly, the bail application on behalf of applicant No.2-Chetan Das Vaishnav is dismissed as withdrawn.

5. As far as applicant No.1-Smt. Hema Bai is concerned, learned counsel for the applicant would submit that the role of applicant No.1 is limited and the allegation of assault on the victim with the help of axe is on the co-accused-Chetan Das Vaishnav, not on the applicant No.1(Smt. Hema Bai), who arrived at the spot at later point of time.

6. On the other hand, learned State counsel opposes the bail application by submitting that the applicants-Chetan Das Vaishnav and his wife Smt. Hema Bai both have assaulted the victim with the help of an axe, which prima facie involves the applicants in the alleged offence.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that allegation of assault on the victim is against the co-accused-Chetan Das Vaishnav (applicant No.2) and considering that the investigation is complete, charge sheet has been filed and the applicant No.1 is in jail since 28-07-2020, I am inclined to enlarge the applicant No.1(Smt. Hema Bai) on bail.

8. Accordingly, the bail application(M.Cr.C.Nos.5947 of 2020) on behalf of applicant No.1 (Smt. Hema Bai) is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one local surety for the like amount to the satisfaction of the Trial Court on the condition that she shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge