

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5994 of 2020**

- Fulmatiya Bai, W/o Late Nandlal, aged about 55 Years, Resident of Village- Kesalpur, Jhariyapara, Chowki- Jatga, District- Korba, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station- Katghora, District- Korba, Chhattisgarh.

---- Respondent

For Applicant
For State

Shri Suryakant Mishra, Advocate.
Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

26.11.2020

1. The matter is listed for hearing on I.A. No.1/2020, application for correction.
2. Learned counsel for the applicant submits that the crime No.120/2020 has been mentioned in the bail petition as per the impugned order whereas the actual crime number is 106/2020 as is mentioned in the case diary.
3. Learned counsel for the State does not dispute the above fact.
4. Accordingly, I.A. No.1/2020 is allowed.
5. The applicant has preferred this application under Section 439 of Cr.P.C. as she is in jail since 15.03.2020 in connection with Crime No.106/2020 registered at Police Station- Katghora, District Korba, C.G. for the offence punishable under Sections 302, 201, 34 of

Indian Penal Code.

6. Case of the prosecution, in brief, is that on 15.03.2020 when deceased Nandlal was having quarrel with his wife Fulmatiya (applicant), their sons reached there for intervention, on which the deceased started assaulting them also. During this process, son of the applicant namely Brijlal assaulted on the neck of the deceased, as a result of which he fell down and died. Thereafter, the applicant with the help of her sons covered the dead body of deceased with blanket and buried the same near the culvert. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the applicant.
7. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. As per prosecution case itself, the only allegation against the applicant is of causing disappearance of evidence of crime. In fact, it is the deceased who was assaulting the applicant and when her sons came for rescue, the deceased started assaulting her sons and accidentally her son Brijlal hit the deceased on his neck which unfortunately led to his death. There was no intention or motive on the part of the applicant to commit the crime in question. The applicant is in jail since 15.03.2020, charge sheet has already been filed, nothing is required to be seized from the applicant and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application.

9. Having heard learned counsel for the parties, having regard the facts and circumstances of the case, the nature of allegation made against the applicant, the manner in which the crime has been committed, the fact that applicant is in jail since 15.03.2020 and conclusion of the trial is likely to take some time, without expressing any opinion on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of applicant executing a personal bond for a sum of **Rs.50,000/-** with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, she shall be released on bail on the following conditions:-

- (i) She shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) She shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) She shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (iv) She shall not involve herself in any offence of similar nature in future.

Sd/-
Gautam Chourdiya
Judge