

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7030 of 2020**

Rameshwari Bai Sarthi, W/o. Shri Sagaram Sarthi, aged about 40 years, R/o.
- Dhaskamuda, Police Station - Chhal, Tahsil - Udaipur Dharamjaigarh,
District - Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : S.H.O. of the Police Station - Chhal, Tahsil -
Udaipur Dharamjaigarh, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/10/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.106/2020, registered at Police Station – Chhal, District – Raigarh (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case

diary. In-fact it had been a family dispute in which the complainant/victim of the case exceeded his limits and committed house trespass in the house of the applicant. Thereafter, he also outraged her modesty. Counter FIR has also been lodged against the complainant with respect to the same incident making allegations against him. The applicant is the daughter-in-law in relation to the complainant and that she is a woman, who is in jail since about three months. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present, this applicant has inflicted multiple injuries on the victim by knife because of which the contents of abdomen were expelled and he was in very serious condition and his life could be saved only after surgery and medical treatment, therefore, the offence is of heinous nature. Therefore, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant had borrowed Rs.22,000/- from the complainant and on the date of incident, the complainant came to this applicant asking for refund of the borrowed money. A dispute arose and then this applicant by using a knife, inflicted multiple injuries on the victim, which were of grievous and fatal in nature, regarding which, FIR has been lodged.

6. Considered on the submissions made and the facts present in the case. The submission made by the applicant side reflects about parallel story of self defence. Secondly, the applicant is woman and also that the investigation is now completed, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram