

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 1318 of 2021

- Smt. Sunita Sahu, W/o Kamlesh Sahu, Aged About 40 Years, R/o Village Badsara, Police Station Jhilmili, Tehsil Bhaiyathan, District- Surajpur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Jhilmili, Tehsil Bhaiyathan, District- Surajpur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Sushil Dubey, Advocate
For Non-Applicant/State : Shri Ayaz Naved, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.06.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 23.12.2020 in connection with Crime No.135/2020 registered at Police Station- Jhilmili, District-Surajpur (C.G.) for the offence punishable under Section 302, 498-A, 294, 506, 323, 34 of IPC 1860.
- 2) Case of the prosecution, in brief, is that on 22.12.2020 at about 9.30 pm the present applicant/mother-in-law alongwith other co-accused who are husband and father-in-law of the victim/complainant, tortured the complainant/victim mentally and physically over demand of Rs. 1,00,000/- and one motorcycle, assaulted the complainant/victim by hands and fists as a result of which, she sustained injuries on various parts of the body. At that point of time, the father-in-law and husband of the victim/complainant forcefully snatched the 1 month baby from the complainant and threw her on the floor, as a result of which,

the 1 month baby died on the spot. On report being lodged to the above effect, the offence has been registered against the present applicant and other co-accused persons.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that as per certified copy of charge framing order dated 18.03.2021 charge having framed against the present applicant is under Sections 498-A, 294, 506, 323 of IPC, have been framed against the applicant, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 23.12.2020 and trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that present applicant was also involved in the alleged offence, however, the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, charges framed against the present applicant are only under Section of 498-A, 294, 506, 323 of IPC, the detention period of the applicant, who is 40 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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 strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) she shall not involve herself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim