

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2776 of 2021**

- Smt. Laxmin Bai W/o Babulal Aged About 57 Years(now 62 years) R/o Village And Post Akalsara, Police Station Baradwar, District Janjgir Champa, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through District Magistrate, Janjgir, Civil And Revenue, District Janjgir Champa, Chhattisgarh

**---- Respondent**


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For Applicant : Shri Ajay Ayachi, Advocate

For Respondents/State : Shri Rahul Jha, GA

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**Hon'ble Shri Justice Goutam Bhaduri****Order****08/07/2021**

Heard.

1. This is fifth bail application under Section 439 of Cr.P.C.for grant of bail to the applicant who has been arrested on 30.10.2016 in connection with Crime No.324/2016 registered in Police Station Baradwar for offence punishable under sections 302, 304(B), 498 (A) and 34 of Indian Penal Code.
2. The First Bail Application was dismissed on 28/02/2017 in M.Cr.C. No.913/2017. Second Bail Application was dismissed on 9/11/2017 in M.Cr.C. No.6577/2017. The Third Bail Application was dismissed on 27.09.2018 in M.Cr.C. No.6343 of 2018 and lastly the temporary bail application was

dismissed on 09.10.2020 in M.Cr.C. No.6396 of 2020.

3. As per the prosecution case, deceased Khageshwari Bai was married to Malik Ram, son of the applicant. It is alleged that the applicant and other accused demanded dowry and subjected the deceased to torture. It was reported by the present applicant that Khageshwari Bai is not well and thereafter when she was taken to hospital, she was declared dead. In MLC it was stated that she was subjected to strangulation. It is alleged that the applicant Laxmin Bai and other accused Babulal who were the father-in-law and mother-in-law alongwith their son have strangled the deceased on 28/10/2016, thereby the offence has been committed.
4. Learned counsel for the applicant submits that the applicant is now aged about 62 years and earlier also she was granted temporary bail for a period of 6 months for treatment and after six months she surrendered before the Court and as on date no progress in the trial is made and she is further ailing which would be evident from the medical documents which are filed. He would further submit that as on date out of 33 witnesses only 19 witnesses have been examined and from 09.10.2020 no progress is made in the case, therefore, considering the fact that the husband of the applicant has been released on bail on 05.02.2021 in M.Cr.C. No.8745 of 2020, the applicant may also be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Earlier bail order would show that on 09.10.2020 this applicant was released on bail considering the medical documents as she was to avail the treatment at

advance centre. After that she has surrendered before the period was over. Medical documents in this application also would show that the applicant is still undergoing certain treatment. Therefore, considering the fact that till date out of 33 witnesses only 19 witnesses have been examined and especially considering the age of the applicant who is 62 years old ailing lady and the trial may further take some time, I am inclined to release the applicant on bail.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on her executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri  
Judge

Ashu