

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 6052 of 2021**

- Smt. Chandrika Dekate Widow of Late Shri Preetam Dekate, Presently Wife of Parmeshwar Dhar aged about 35 Years R/o Bsup Colony, Changorabhanta, P.S. D.D. Nagar, Distt. Raipur (Chhattisgarh). Details (Completely Not Mentioned In The Order Sheet)

-----Applicant

VERSUS

- State of Chhattisgarh Through SHO, Police DD Nagar, District Raipur, Chhattisgarh.

-----Non-applicant

For Applicant	: Mr. Deverishi Thakur, Advocate
For Non-applicant	: Mr. Uddhav Sharma, Govt. Adv.

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****29/10/2021**

1. Applicant has filed this application under Section 439 of CrPC for grant of regular bail as he has been arrested in connection with Crime No. 116/2021 registered at Police Station D.D. Nagar, District Raipur (C.G.) for the offence punishable under Section 302, 34 of IPC.
2. As per case of prosecution, on 15.03.2021 at about 09:00 pm., present applicant was quarreling with complainant on the ground that son of complainant has taken money of Sonu Dekate, co-accused. During quarrel, other two co-accused persons came there and started quarreling. Applicant and her one son Karan Dekate (one of the co-accused) caught hold of hands of deceased Om Prakash Sahu and co-accused Sonu Dekate gave knife blow on his chest and abdomen due to aforementioned injuries, Om Prakash Sahu died. Incident was reported to concerned police station based on which aforementioned crime is registered against all the three accused persons.
3. Mr. Deverishi Thakur, learned counsel for applicant submits that

applicant has not assaulted deceased by any arm or weapon. He submits that as per allegation, applicant was quarreling with complainant Sangeeta Sahu whereas injuries was to deceased Omprakash Sahu by son of applicant, and she is in jail since 16.03.2021, hence, applicant may be granted bail.

4. Mr. Uddhav Sharma, learned State counsel, while opposing the submission made by learned counsel for the applicant, submits, that it is applicant who started quarreling with complainant. As per report and statement recorded under Section 161 CrPC, there are allegations that the applicant and co-accused Karan Dekate caught hold hands of deceased Om Prakash Sahu and thereafter other co-accused Sonu Dekate has given knife blow to him due to which Om Prakash died, hence, there is involvement of applicant in commission of crime and she is not entitled for grant of bail.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, nature of allegation, contents of FIR and the statement recorded under Section 161 CrPC of Sangeeta Sahu and Gorelal Yadav, I do not find it to be a fit case to enlarge applicant on bail.
7. Accordingly, this application for grant of bail is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge