

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8980 of 2021**

- Smt. Madhuri Yadav, W/o Harishankar Yadav, aged about 24 Years, R/o Village Bemcha, Police Station and Tahsil Mahasamund, District Mahasamund, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh.

---Non-applicant

For Applicant	Shri Shikhar Sharma, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/12/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as she has been arrested in connection with Crime No.117/2020 registered at Police Station- Mahasamund, District Mahasamund, C.G. for the offence punishable under Sections 302, 201, 34 of Indian Penal Code.
2. Allegation against the present applicant is that on 20.02.2021 at around 7:00 pm, the applicant assaulted the deceased Askumar with wooden-plank on the back of his head. The parents of the accused/applicant i.e. co-accused Kumari Bai and Leela Ram in order to screen the applicant, having cleaned the blood from the spot, kept the deceased for two days at their home and when his condition started deteriorating, he was taken to DKS Super Specialty Hospital,

Raipur where he died during treatment.

3. Learned counsel for the applicant submit that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct proof of applicant's involvement in the alleged crime. The applicant is in jail since 07.03.2020, charge sheet has already been filed and conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
4. Learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the gravity of the offence, the nature of injury found on the body of the deceased i.e. fracture on head, in particular the statements of two eye-witnesses i.e. Hiteshwari Yadav and Bhavesh Yadav, the fact that the deceased died due to the assault made by the applicant and other material available with the case diary, without commenting anything on merits of the case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge