

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1685 of 2018

- Smt. Kaushilya wife of Dashrath, aged about 50 years, Caste- Gond, Resident of Village- Kasra (Gautiyapara), Police Station- Patna, Tahsil- Bakunthpur, District- Korea (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Patna, District Korea (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. R. V. Rajwade, Advocate.
For Respondent/State	:	Mr. Vijay Bhadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/04/2018

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. 288/2017, registered at Police Station- Patna, District- Korea (C.G.) for the offence punishable under Sections 302, 34 of Indian Penal Code of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 29.11.2017. After completion of investigation, charge-sheet has been filed. According to the case of prosecution, no case is made out against him. The evidence on record does not show the involvement of this applicant in the incident of murder of the deceased. She has been roped in only because she is the mother of the main accused- Sudhir @ Ballu, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submits that the eyewitnesses present in the case have clearly stated about the involvement of the applicant in the incident of murder of the deceased, hence no case is made out for grant of regular bail to the applicant.
4. Heard both the parties and perused the case diary.
5. According to prosecution case, on the date of incident the deceased – Raimal Singh and this applicant had some quarrel between them at that time, applicant called her son Sudhir Singh (main accused). Sudhir Singh assaulted the deceased on his head with a weapon like agricultural tool called "Akain", because of which, deceased suffered head injury and died after two days during treatment. Hence, this case.
6. Considering the entire material present in the case diary, and the facts that this applicant and the deceased having quarrel between them and applicant's son intervened and assaulted the deceased. It is a case of single injury on the head of the deceased which turned to be a fatal injury, hence looking to the role played by the applicant, I am of this view that the applicant should be granted regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge