

(2018) 05 CHH CK 0205

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 2848 Of 2018

Ku. Durgeshwari Nishad

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 25-05-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304B
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2018) 05 CHH CK 0205

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Awadh Tripathi, Majid Ali

Final Decision : Allowed

Judgement

P. Sam Koshy, J

1. This is the first bail application preferred under Section 439 of the Cr.P.C. in connection with Crime No.41/2018 registered at Police Station Utai, Distt. Durg (C.G.) for the offence punishable under Section 304 - B/34 of the Indian Penal Code. The applicant is in jail since 02/02/2018.

2. The allegation against the applicant is that the applicant and the co- accused used to ill-treat, harass, torture and threaten deceased Silochna Bai @ Seema which lead her to commit suicide on 15.01.2018 by inhaling some poison.

3. Learned counsel for the applicant submits that present is a case of general and omnibus allegation against the applicant. She has falsely been implicated in the case. She is 18 years old and is in custody since 02.02.2018. Learned Counsel prays for her release on bail.

4. Learned Counsel appearing for the State opposes the bail application and submits that name of the present applicant is also mentioned in the complaint and the statements given by the family members of the deceased. Therefore, she

does not deserve to be released on bail.

5. On perusal of the record and considering the allegations levelled against the applicant, which are general and omnibus in nature and also taking into account that she is a girl aged 18 years, I am inclined to release her on bail.

6. Accordingly, the application for grant of bail is allowed.

7. It is ordered that the applicant shall be released on bail on her executing a personal bond for a sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date as are given to her by the said court.