

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 707 of 2015

Shabina Khatun W/o Munna @ Nausad Ali Aged About 32 years R/o Village
Shahbajpur Puraina, Police Station Patepur, District Vaishali, State Bihar.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dharamjaigarh,
District Raigarh Chhattisgarh.

---- Respondent

For Applicant	-	Shri Manoj Kumar Jaiswal, Advocate
For Respondent/State	-	Shri Satish Gupta, Government Advocate

Order

10/08/2015

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.103/2014 registered at police station – Dharamjaigarh, District-Raigarh (C.G.) for alleged commission of offence under Section 364, 302, 201, 120-B/34 of IPC.
2. Case of the prosecution is that one Ganesh Yadav was kidnapped and thereafter, murdered. It is alleged that the deceased was having illicit relation with the applicant and when her husband, co-accused came to know about this illicit relation, he along with other accused kidnapped Ganesh and then, he was taken to another spot and murdered.
3. Learned counsel for the applicant submits that in so far as present applicant is concerned, there is no material collected by prosecution so far against her that she was involved in murder of Ganesh. It is submitted that merely because the motive for murder was illicit relation of the deceased with the present applicant, the applicant cannot be involved in the alleged incident as one of the accused.
4. On the other hand, learned State counsel opposes prayer for grant of anticipatory bail and submits that the husband of the present applicant and another accused are involved on

the basis of the statement given by wife of the deceased that husband of the applicant and other accused had kidnapped the deceased from his house and then after sometime, his dead body was recovered. The applicant and her husband both have absconded with other accused. Only one co-accused Tohid has been arrested and all other accused are absconding. The fact that the applicant is reported to have absconded with her husband prima facie involved in the commission of offence.

5. According to the material contained in the diary, the genesis of dispute is said to be illicit relation between the applicant and deceased Ganesh. Ganesh's dead body was recovered by the police and Ganesh's wife stated that co-accused including husband of the applicant had gone to the house of Ganesh, wherefrom, he was taken away and then his dead body was recovered. At present, the applicant and her husband both are absconding, which prima facie shows that the applicant is moving along with other accused. Therefore, on this ground, I am not inclined to grant anticipatory bail to the applicant.

6. The bail application is rejected.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha