

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5438 of 2015

Savitri Bai, wife of late Gautam Nishad, aged about 38 years, resident of village Shukladi, P.S. Ranitarai, Civil & Revenue District Durg (C.G).
--- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, P.S. Ranitarai, Civil & Revenue District Durg (C.G)
--- **Respondent**

For the applicant	:	Mr. Sunil Pillai, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.10.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 43 of 2015 registered at P.S. Ranitarai. District Durg (C.G) for the offence punishable under Sections 302, 201 & 34 of the IPC.
2. As per the prosecution case, because of the domestic dispute the accused applicant along-with two daughters namely Rajmati and Meena assaulted and committed murder of her husband namely Goutam Nishad by using wooden part of the *Genti* in the intervening night of 6th and 7th of May, 2015.
3. Learned counsel for the applicant submits that the applicant was arrested 29.06.2015 and the statements of Samru Nishad and Durpad were taken on 19.07.2015 and 04.08.2015 and therefore to justify the arrest, the said statements were recorded. Consequently, the case of murder cannot be made out. He, therefore, prays that this applicant may be released on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of

bail.

5. Having regard to the fact that Samru Nishad and Durpad Bai are said to be eye-witnesses and though the statements might have been recorded under Section 161 Cr.P.C., after the arrest for the purpose of bail, the same cannot be considered at this stage. It would be open for the applicant to challenge the veracity of the statements at the time of trial.
6. I am not inclined to enlarge the applicant on bail. Accordingly, the bail application is dismissed.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao