

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 506 of 2016

1. Smt. Ravita Singh W/o Shivraj Singh, By Caste Kshatriya Aged About 55 Years, R/o Devri, P.S. Manjhauli, District Sidhi, At Present R/o Budhdhu Singh Dafai No. 2, Khongapani, Police Station Jhagrakhand, District Koriya Chhattisgarh.

2. Smt. Saroj Singh W/o Late Ajay Kumar Singh By Caste Kshatriya Aged About 30 Years, R/o Beniganj Baba Market Allahabad, At Present R/o Budhdhu Singh Dafai No. 2, Khongapani, Police Station Jhagrakhand, District Koriya Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Jhagrakhand, District Koriya Chhattisgarh.

---- Respondent

For applicants - Shri Rajeev Shrivastava and Shri Kamal Kishore Patel, Advocate.

For Respondent/State – Shri Om.P. Sahu, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/07/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 184/2015 registered in Police Station Jhagrakhand, Koriya (C.G.) for offence punishable under sections 302, 201, 120 (B) 34 of Indian Penal Code.

2. As per the prosecution case on the date of incident on 3/11/2015 one Ajay was found to be unconscious and when he was brought to the hospital he was found to be dead. It is case of the prosecution that applicant No.1 is the mother-in-law and applicant No.2 is the wife of the deceased and they have strangled the deceased as there has been frequent quarrel took place because deceased used to drink a lot and quarrel with the applicants. Subsequently, the applicants were apprehended.

3. Learned counsel for the applicants submits that the case was entirely based on the statement of the son Abimanyu who has been examined before the court and he has not supported the case of the prosecution and except that eye witness, no evidence is available, now presently circumstantial evidence is available and he submits that chain of circumstances are not complete, therefore considering statement of the son as he has not supported the case of the prosecution, the applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Prosecution has examined Piyush as PW-1, Phuleshwari as PW-2, Sher Ali as PW-3, Ramdas as PW-4, Santulal as PW-5, Visheshwarnath Mishra as PW-6 and Rambhajan as PW-7. They have not supported the case of the prosecution. Case diary also contains statement of Mubarak Ali to whom for the first time the information was given by the applicant No.1 Ravita Singh that the deceased has become unconscious. Thereafter, the deceased was taken to the hospital wherein after postmortem it was found that cause of death is strangulation. Considering the statement at this stage it would not be proper to evaluate and give a finding as that of a trial court. Taking into documents available in the case diary, at this stage I am not inclined to release the applicants on bail. It is for the trial court to appreciate the entire evidence jointly when all the witnesses of the prosecution are examined.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

