

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2872 of 2016

Smt. Chandrakala Patel Aged About 28 Years W/o Sarit Kumar
Patel Occupation Service R/o Village Gobarsingha P.S. & Tehsil
Baramkela District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer (S. H. O.)
Police Station Baramkela Tehsil Baramkela District Raigarh
Chhattisgarh

---- Respondent

For applicant - Shri S.N. Nande, Advocate.
For Respondent/State – Shri Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/06/2016

1. The applicant has preferred this application for grant of bail as she is arrested in connection with Crime No. 119/2015 registered in Police Station Baramkela District Raigarh for offence punishable under sections 395, 397, 450 & 120 (B) of Indian Penal Code and 25 of Arms Act.
2. As per the prosecution case the applicant who is the daughter-in-law conspired with other co-accused so as to cause dacoity in their own house as she was being tortured by the family members. Consequently, in the intervening night of 4-5th October, 2015 dacoity was committed by other co-accused and it is case of the prosecution that the applicant being daughter-in-law helped them by sending message in the mobile of the accused that the back door of the house was kept open. Thereby, she was conspirator to the entire incident. Subsequently, one of the accused was arrested and after investigation it came to fore.
3. Learned counsel for the applicant submits that no evidence is on

record to show that applicant has conspired with the dacoits to cause dacoity in their own house instead the applicant herself was subjected to torture by the family members, therefore in order to aggravate the same, further the applicant has been inculpated in the false case and there is no evidence on record to keep the applicant in jail, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that the conversation was made from the mobile of the applicant on 4th October, 2015 with one mobile of Jagendra Bariha which would go to show that she was in touch with the dacoits at the relevant time.

5. I have perused the charge sheet and the documents. Charge sheet contains call details wherein the mobile number 7377073066 was in conversation with mobile number 9691937348 on 4th October, 2015 at about 22:25:35 & 23:08:17. State counsel on enquiry submitted that mobile number 7377073066 belong to one Jagendra Bariha. Prima facie document is on record to show that mobile number 9691937348 was being operated by the applicant who is daughter-in-law. Considering the nature of allegations and since the entire case revealed on the memorandum of Kailash Bariha, taking into document available on record and the evidence, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE