

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7474 of 2015

1. Smt. Baby Singh Rajput, aged about 29 years, W/o. Amar Singh Rajput, R/o. Bhatgaon, at present resident of Rungara, Police Station-Balco, Tahsil and District – Korba (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Balco, Tahsil and District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Anil Tripathi, Advocate
For Respondent/State	: Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.158/2015, registered at Police Station – Balco, District – Korba (C.G.) for the offence punishable under Section 302, 201, 404 read with Section 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Laxman Das Dharmani was missing on 07.07.2015 for which a missing report was made by Ravi Lalwani. Subsequently, the applicant alongwith other co-accused were apprehended and two of the co-accused are still absconded. It is case of the prosecution that the deceased, Laxman Das Dharmani had some relation with the applicant, who is the wife of Amar Singh and on the date, the applicant called the deceased to her house and thereafter, with the help of husband and other co-accused persons, committed murder and buried the dead body under water of Chuchuiha

canal.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no evidence is available against this applicant and only on the basis of presumption, the applicant has been inculpated. He would further submit that the applicant is in jail since 11.07.2015 and charge sheet in this case has been filed, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that according to the prosecution, the deceased had a relation with the applicant and as per call detail, the deceased was called by the present applicant in her house, subsequently he was murdered with the help of other co-accused i.e. husband and other persons.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the case diary shows that primary evidence is available against this applicant that the deceased went to the house of the applicant, wherein the murder was committed and subsequently the dead body of the deceased was recovered underneath the flowing water and the Activa was recovered from Arun Mourya, the other accused. Taking into the evidence and the way the offence has been committed, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge