

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7736 of 2015

- Smt. Janki Nayak W/o Shri Hetram Nayak Aged About 42 Years Occupation House Wife R/o Village Bar P.S. Sariya Tehsil Baramkela, District Raigarh Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer (S.H.O.) Police Station Sariya Tehsil Baramkela, District Raigarh Chhattisgarh.

--- Respondent

For the applicant	:	Mr. S. N. Nande, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19.01.2016

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. 101 of 2015 registered at P.S. Sariya, Tahsil Baramkela, District Raigarh for the offence punishable under Section 302, 201, 120-B/34 IPC & Section 25 of the Arms Act.
2. The prosecution case, in brief, is that the applicant alongwith other co-accused has committed murder of one Sukhsagar on 19.07.2015. The murder was committed because of the fact that the deceased had relation with the applicant, therefore, the applicant along-with her husband hatched conspiracy and thereafter the husband had killed Sukh Sagar by hammer.
3. Learned counsel for the applicant submits that no evidence is available against this applicant and initially the Dehati Nalishi was made whereby the confessional statement of Hitram

was made that the husband of the applicant has committed murder of Sukh Sagar by hammer but subsequently, this applicant has also been arrested subsequently.

4. Per contra, learned State Counsel opposes the bail application. However, he submits that the concerned SHO has reported that the applicant has no past antecedents.
5. Perused the case diary and the documents. Also perused the memorandum statement which led to recovery. According to the memorandum, the deceased was called by this applicant and thereafter the murder was committed along-with other co accused according to the conspiracy hatched.
6. Taking into recovery made as per the memorandum of co-accused, I am not inclined to allow this application. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE