

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7540 of 2016

- Smt. Kiran Kothari W/o Payarelal Kothari Aged About 35 Years R/o Village Rauarvahi, Police Station Bhanupratappur, District Kanker Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : Police Station - Kanker, District Kanker Chhattisgarh

----**Respondent**

For Applicant : Mr. Arun Kochar, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-11-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 5-4-2016 in connection with Crime No. 106 of 2016, registered at Police Station Kanker, District Kanker (CG) for the offence punishable under Sections 302, 201, 364, 120(B)/34 of the IPC.
2. Case of the prosecution, in brief, is that on 5-4-2016 dead body of Aleshwari Kashyap was found near wall fall. On 10-3-2016 a missing report was lodged by Mahesh Kashyap, father of the deceased that his daughter was missing from 22-2-2016. It is alleged that Raghunath, one of the co-accused persons has performed marriage with deceased Aleshwari Kashyap in the month of November, 2013 and thereafter he wanted to marry another girl and the deceased was objecting the same, therefore,

Raghunath along with Ramesh, Mahesh and Smt. Kira Kothari, the present applicant conspired to eliminate Aleshwari Kashyap and in consequence thereto present applicant called the deceased through her mobile bearing SIM No.7587006959 at Bus Stand wherein she was accompanied with other co-accused persons, and thereafter she was killed.

3. Learned counsel appearing for the applicant would submit that there is no evidence against the present applicant and even if the call details are admitted, the same would not lead to prove that the applicant was party to the conspiracy. It is further submitted that as per memorandum, it would reveal that the applicant left the Bus Stand after deceased came to Bus Stand which would show that she was not party to conspiracy which is evident from the memorandum statements of other co-accused persons. It is further submitted that entire motive is missing against the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is a lady who is in jail since 5-4-2016 and no further investigation is required, therefore, she may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary, other document.
6. Perused the memorandum statements of other co-accused persons Ramesh, Mahesh and Raghunath which would show that present applicant left the Bus stand after deceased met them.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further

considering the evidence collected against the present applicant by the prosecution and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 5-4-2016, this court is inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju