

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1463 of 2017

Smt. Usha W/o Akhilesh Vishavkarma, Aged About 35 Years R/o
Chorkakchhar, Police Station And Tahsil Ambikapur District Surguja
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kotwali, Ambikapur
District Surguja Chhattisgarh

---- Respondent

For applicant - Shri A.K. Yadav, Advocate.
For Respondent/State – Shri Neeraj Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/03/2017

1. The applicant has preferred this application for grant of bail as she is arrested in connection with Crime No. 759/2016 registered in Police Station -Kotwali, Ambikapur, District Surguja (CG) for offence punishable under sections 302, 201, R/w 34 of Indian Penal Code.
2. As per the prosecution case, one Karma Dev was murdered on 29/10/2016. It is alleged that Akhilesh Mishra and Ramesh Dewangan had monetary dispute with the deceased and over such dispute Karma Dev was killed by throttling by way of screw driver neck by Akhilesh Mishra and Ramesh Dewangan. Thereafter, Rs.1500/- and mobile was taken from the deceased and mobile was given by Akhilesh to the applicant who is wife and she threw mobile in the pond.
3. Learned counsel for the applicant submits that there is no evidence against the applicant and only allegation of disappearance of the evidence is alleged to the applicant of mobile, however mobile was not seized, therefore applicant has been falsely implicated and she may be released

on bail.

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

5. Considering the facts and circumstances of the case, nature of evidence available, as appears the mobile which was alleged to be thrown in the pond was not recovered and the applicant has been inculpated on the basis of memorandum statement. Considering such fact, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on her furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for her regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE