

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4439 of 2017

- Pushplata Rathore W/o Shiv Kumar Rathore, Aged About 24 Years, R/o Bhagat Singh Chowk, Purani Basti Ward No. 11, Janjgir, Police Station Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bhilaigarh, District Baloda Bazar, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ashutosh Trivedi, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant. The applicant has been arrested on 27-04-2017 in connection with Crime No.119/2017 registered at P.S. Bilaigarh, District Baloda Bazar, C.G. for the offence under Section 302, 120(B) of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case on the basis of memorandum statement of main accused Santosh Nayak, that he had love affair with the applicant and further that the statement of witnesses examined under Section 161 of the Cr.P.C. is also based only on assumption. There is no direct evidence of conspiracy against the applicant in this case. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that the witnesses have stated under Section 161 of the Cr.P.C. clearly that the applicant conspired with the main accused to cause death of her husband Shiv Kumar Rathore. Hence, the applicant is not

entitled for bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. As per the investigation in the case, the deceased was husband of the applicant. The applicant had some love affair/illicit relationship with co-accused Santosh Nayak. The dead body of Shiv Kumar Rathore was found on 24-03-2017. Police Station Bilaigarh registered merg intimation and on the basis of merg enquiry report has registered the offence of murder and conspiracy against the applicant and the co-accused person.

6. After consideration of the diary statement of the witnesses and the material for prosecution against the applicant, I am of the considered view that the applicant is entitled for grant of bail.

7. Consequently, the application (MCRC No.4439/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for her appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge