

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 987 of 2018

1. Dinesh Gond son of Ram Lal, aged about 27 years, R/o Imlibhatha, Sarkanda, Bilaspur, District Bilaspur (Chhattisgarh).
2. Smt. Priya Kashyap wife of Anuj Kashyap, aged about 20 years, R/o Shivghat, Purana Sarkanda, P.S. Sarkanda, District Bilaspur (Chhattisgarh).

---- Applicants

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station- Sarkanda, District-Bilaspur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Uttam Pandey, Advocate.
For Respondent/State	: Ms. K. Tripti Rao, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/04/2018

1. At the outset learned counsel for the applicant prays to withdraw the application on behalf of applicant No. 1.
2. Hence, the application under Section 439 of Cr.P.C. for applicant No. 1 is dismissed as withdrawn.
3. Heard on bail application of applicant No. 2.
4. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant No. 2 who has been arrested in connection with Crime No. 603/2017, registered at Police Station- Sarkanda, District – Bilaspur (Chhattisgarh) for the offence punishable under Sections 302, 201/34, 120-B of the Indian Penal Code.

5. Learned counsel for the applicant submits that applicant No. 2- Smt. Priya Kashyap has falsely been implicated in this case, the applicant is in jail since 05.09.2017, she has not committed any offence. According to the prosecution case itself there is no evidence against the applicant No. 2- Smt. Priya Kashyap about being engaged in the commission of the offence of murder. She is the wife of the main-accused, hence, her presence with the main-accused is natural which can not be regarded that she was the conspirator in this case. No case is made out against the applicant material present in the case. Hence, it is prayed that applicant be enlarged on regular bail.
6. Learned State counsel opposes the bail application and submits that no case is made out against this applicant No. 2 for grant of bail.
7. Heard both the parties and perused the case diary.
8. According to the prosecution case, the main-accused namely Anuj Kashyap borrowed Rs. 1,80,000/- from the deceased and deceased was demanding that borrowed money, because of which on the date of incident the main-accused accompanied with the co-accused person strangulated to death the deceased- Anil Kaushal and threw the dead body in a sewerage line. Presently, the case is before the trial Court.
9. Considering on the entire material present in the case diary, the argument that presence of the applicant No. 2 with her husband is a natural consequence has some force and also according to the evidence from record she was not a person who strangulated the deceased to death, hence for this reason, I am of this opinion that applicant No. 2- Smt. Priya Kashyap should be benefited with grant of regular bail.
10. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her furnishing a personal bond for a sum of Rs.25,000/- with one surety in the

like sum to the satisfaction of the concerned Court, for his appearance as
and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita