

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 914 of 2018

Shrimati Savitri Vaishnava Wd/o Late Sanjay Vaishnava, Aged About 28 Years
R/o Lohiya Nagar, Baloda Bazar, Police Station City Kotwali, Civil And Revenue
District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-
Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chattisgarh Through Station House Officer, Police Station City Kotwali,
Baloda Bazar, Civil And Revenue District Baloda Bazar Bhatapara Chhattisgarh,
District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri J.R. Verma, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

Heard.

1. The applicant has been arrested in connection with Crime No.392 of 2017 registered in Police Station- City Kotwali Baloda Bazar, District- Baloda Bazar- Bhatapara for the alleged commission of offence under Sections 302, 201, 109 read with Section 34 IPC.
2. Case of the prosecution, in brief, is that Sanjay Vaishnava was murdered by co-accused Hetram and Pappu @ Kashi Sahu. Allegation against the applicant is that present applicant had illicit relation with Hetram and she was present at the spot in her house when her husband was being murdered and thereafter she spread wrong news that her husband died due to fall in the house.
3. Learned counsel for the applicant would submit that there is no specific allegation that the applicant committed any overt act at the time of incident.

At the time of incident, the other co accused was the assailant who entered the house of the deceased and mainly because there are certain allegation of illicit relation and that the applicant did not make any effort to save her husband or cried for help, it cannot be said that the applicant had also shared common intention with other co-accused for murder of her husband. There may be a plausible explanation of her that in order to save her children, she did not do anything and simply kept standing at the spot. Therefore, under these circumstances, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the application and submits that during investigation, the prosecution collected material and the child witnesses, son and the daughter of the applicant and deceased have stated that the co-accused was assaulting repeatedly the deceased and the applicant was quietly standing. He further submits that the case diary statement of Bhuneshwar Sahu, the tenant, is that the applicant came to his house and informed that Sanjay Vaishnava has sustained injury due to fall on the floor. Learned counsel for the State submits that during investigation, it has come against the applicant that she had illicit relation with co-accused Hetram. Therefore, the applicant may not be released on bail.
5. Having considered the submissions made by learned counsel for the parties, taking into consideration the facts and circumstances of the case, no case for grant of bail is made out.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge