

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3968 of 2018

Smt. Kajal Patel Wife of Krit Patel, D/o. Sheetal Kumar Kaushik, aged about 22 years, Occupation House Wife, Permanent R/o. Village Bhadi (Mayaka), P.S. Pendra, District- Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- the Public Prosecutor, Baikunthpur, District- Korea (C.G.).

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/06/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 30/2018 registered at Police Station- Patna, District- Korea (C.G.) for the offence punishable under Sections 302 and 201 of IPC.
2. It is alleged that the applicant had murdered and thrown her 3 months child in the well. As per prosecution story on 30/01/2018, the applicant/accused was in her matrimonial house along with her 3 months child. The main door of the house was locked from outside. When Kailash Patel, father-in-law of the applicant returned that time also the door was locked from outside. He then called her daughter-in-law to open the door, but the door was not opened. He entered into

the house by opening one gate and found that the applicant was in unconscious stage lying on the floor and the dead body of her 3 months child was floating in the well. It is alleged that the applicant has committed murder of her child. The applicant was arrested on 31/01/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecution story is unnatural. Major irregularities have been caused in the investigation of the case. He further submits that at the time of incident, the applicant was found in unconscious stage and a piece of cloth was found inserted in her mouth, therefore, there is every possibility of committing the murder by someone else, which cannot be ruled out. He further submits that the applicant is in custody since 31/01/2018 and charge-sheet has already been filed, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there is sufficient evidence against the present applicant. He further submits that applicant had made extra-judicial confession before some witnesses. It is also submitted that the dead body of the child was found in the well which was situated in the house and the house was locked from outside, therefore, there is no possibility that anyone can go inside. He prays for rejecting of the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case,

particularly considering the evidence collected by the prosecution, I am not inclined to release the applicant on bail.

7. Accordingly, the bail application is rejected.

Sd/-

Judge
Arvind Singh Chandel

Rahul