

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.4151 of 2018**

Smt. Kushi Bai, W/o Mangaldas Chaturvedi, aged about 50 years, R/o Village Mudiyadih, Police Station Palari, Balodabazar, District Balodabazar – Bhatapara, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh through Police Station Palari, District Balodabazar – Bhatapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Arun Kochar, Advocate
For Respondent	:	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****20.7.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.420 of 2017 registered at Police Station Palari, District Balodabazar – Bhatapara for offence punishable under Sections 302, 147 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the Applicant is mother-in-law of deceased Bangala Chaturvedi. Marriage of the deceased was performed with co-accused Manoj 9-10 years prior to her death. It is alleged that thereafter her husband Manoj, in-laws and their other family members started harassing her. On 26.10.2017, all the accused jointly poured kerosene on the deceased and set her on fire due to which she died. First Information Report has been lodged by Dhanesh, brother of the deceased.

3. Learned Counsel appearing for the Applicant submits that the present Applicant has been falsely implicated in the case. There is no direct evidence available against the Applicant regarding her involvement in the alleged offence. She was not present at the place of occurrence at the time of incident. He further submits that she is an old lady aged about 50 years. She is in custody since 25.4.2018. Charge-sheet has already been filed. Therefore, she may be released on bail.
4. Learned Counsel appearing for the Respondent/State opposes the bail application. He submits that as per diary statement of Khuman, son of the deceased, at the time, when co-accused Pitamber set the deceased on fire, the Applicant was also sitting there in the courtyard and the fire was extinguished after burning of the deceased for sometime. He further submits that in the hospital also, the deceased had told her mother and brothers that all the accused had jointly poured kerosene on her and set her on fire. He submits that sufficient evidence is available against the present Applicant. Therefore, the prayer for her release on bail deserves to be rejected.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Taking into consideration the facts and circumstances of the case and the evidence collected by the prosecution against the present Applicant, I am not inclined to enlarge her on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
JUDGE