

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4308 of 2018**

- Smt. Lily @ Laxmi Mahar, W/o Bhola Singh Mahar, Aged About 25 Years, R/o- Bajrang Nagar Gogaon, Gudhiyari, Police Station Gudhiyari, District- Raipur, Chhattisgarh., ---- **Applicant**

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Gudhiyari, District- Raipur, Chhattisgarh., ---- **Respondent**

For Applicant	:	Shri B.L.Sahu, Advocate.
For Respondent/State	:	Shri Ravindra Agrawal, G.A.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****01.10.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of 1973) for grant of regular bail to the applicant, who has been arrested on 27.01.2017 in connection with Crime No.28/2017 registered in Police Station Gudhiyari, District Raipur (C.G.) for the offence punishable under Section 302, 201 of the Indian Penal Code (IPC).
2. Case of the prosecution is that on 23.01.2017, the applicant Smt. Laxmi Mahar @ Lily Mahar has drowned her daughter, namely, Ku. Harshita in water tank situated on terrace. Further prosecution story is that after searching of said Harshita, her body was found in the water tank. Thereafter, the merg intimation was lodged by one Goutam Das Manikpuri and accordingly, the aforesaid offence has been registered against the applicant.
3. Shri B.L.Sahu, learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connected with the aforesaid crime.

He submits further that as many as 15 prosecution witnesses have already been examined, however, they have not supported the prosecution story. He, therefore, submits that the applicant is in jail since 27.01.2017, therefore, she may be enlarged on bail.

4. On the other hand, Shri Ravindra Agrawal, learned counsel for the State has opposed the bail application and submitted that the deceased Ku. Harshita is aged about 4 ½ years and she was in possession of her mother, and therefore, it cannot be said at this stage that the applicant is not involved in the aforesaid crime, as contended by Shri Sahu based upon those prosecution witnesses. According to him, the applicant has made her confession regarding alleged offence before Puranlal Mahar, Tulsa Bai and one Mela Ram, therefore, the bail application is liable to be rejected.
5. I have heard learned counsel for the parties and perused the case diary carefully.
6. Having considered the facts and circumstances of the case and considering further the age of the deceased as 4 ½ years old and was in possession of the applicant at the time of occurrence, in such circumstances, it cannot be ruled out at this stage the prima facie involvement of the applicant in the aforesaid crime. It is made clear that I have not entered into merits of the case and the trial Court shall not be influenced by any of the observations of mine while deciding this bail application.
7. The bail application is accordingly dismissed.

Sd/-

(Sanjay Agrawal)
Judge