

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 810 of 2019

- Angelina Simon W/o Late Prem Simon Aged About 38 Years R/o Village And Police Station Somni, Tahsil and District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Somni, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Goutam Khetrapal, Advocate.
For Respondent/State	: Shri Alok Nigam, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/02/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 133/2018, registered at Police Station – Somni, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 302, 201 & 120-B/34 of the IPC.
2. In this case present Applicant is the wife of the deceased Prem Simon @ Munna Simon. On 17.09.2018, dead body of the deceased was found on the railway track at Rasmada-Mudapar. He sustained grievous injuries on his vital parts of the body. Post-mortem was conducted. Merg intimation has been also lodged. As per the prosecution story, the deceased was having illicit relationship with one divorced lady, due to that the deceased was not keeping good

behaviour with the Applicant and with his children. He also used to threatened the Applicant and children, due to which, the present Applicant with the help of other co-accused persons killed her husband (deceased). On the basis of the above, offence has been registered against the present Applicant. She has been taken into custody on 19.09.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that apart from the memorandum statement of the Applicant, there is nothing on record on the basis of which it can be said that the Applicant is involved in crime in question. There is no any direct or indirect evidence available on record which can connect present Applicant in the commission of the murder of her husband/deceased. He also submits that the Applicant is a lady, charge-sheet has been filed, she is in custody since 19.09.2018 and trial will take time. Therefore, she may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application and submits that, apart from the memorandum statement of the Applicant, from the statements of the witness namely Pratap Singh recorded under Section 161 of Cr.P.C., clearly shows that on the date of incident, the Applicant had hired the vehicle of the Pratap Singh and on the next morning she parked the vehicle in front the house of the Pratap Singh and she gave the keys of vehicle to him later on when he asked for the same. Blood stains were found on the back seat of the said vehicle. Considering the above, there are

sufficient evidence available against the Applicant. Looking to the above, the application submitted by the Applicant may be rejected.

5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the statement of the witness namely Pratap Singh, without further commenting on merits of the case, I am not inclined to release her on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge