

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1344 of 2019

- Smt. Mira Bai W/o Sarwan Kewat Aged About 39 Years (At Present), R/o Village Pandri, Tahsil Marwahi, P.S. Marwahi, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Marwahi, Civil And Revenue District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Vinod Tekam, Advocate
For State	:	Shri Anand Verma, Dy.G.A.

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

Order On Board

26/04/2019

The applicant has been arrested in connection with Crime No.106/2012 registered at Police Station - Marwahi, District - Bilaspur (C.G.) for alleged commission of offence under Section 302, 201, 120B, 109/34 of IPC.

2. The case of the prosecution is that the co-accused - Champa Bai had entered into a contract for killing with Sevak Ram and Champa Bai, in execution of the conspiracy, collected Rs.29,000/- from the present applicant - Mira Bai and Mira Bai also conspired along with Champa Bai and Sevak Ram to murder Sanjay Gond.

3. Learned counsel for the applicant would argue that the only basis for involvement of the present applicant is the memorandum of co-accused – Champa Bai. Champa Bai, in her memorandum has only stated that she met with the present applicant and borrowed Rs.29,000/-. There is nothing in the memorandum that the applicant also became one of the conspirator and in furtherance of the conspiracy, knowing fully well of the conspiracy, she paid Rs.29,000/- for being paid to the contract killer.

4. On the other hand, learned State counsel opposes bail application and submits that from the memorandum of Champa Bai, it is clear that Rs.29,000/- was collected by her from the present applicant – Mira Bai which *prima facie* establishes that the applicant is also involved in conspiracy of contract killing.

5. Considering the submission of learned counsel for the parties, perused diary and taking into consideration that the only allegation against the present applicant is that Champa Bai had borrowed Rs.29,000/- from the applicant, without there being any specific material to show that Champa Bai involved the present applicant in the conspiracy after informing the applicant and applicant knowingly given Rs.29,000/- towards payment to contract killer, the application is allowed.

Considering that the present applicant had earlier applied for grant of anticipatory bail and later on, surrendered, it would be proper to impose onerous condition so that the applicant may not flee away from justice or impede progress of trial.

6. The applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. She shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge