

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 371 of 2019

- Shanimoti Rathiya W/o Pyari Lal Rathiya Aged About 32 Years Caste Kanwar, R/o Village Girari, Thana Shyang, Tahsil Korba, District-Korba Chhattigarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Shyang, District-Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pandey, Advocate.

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.10/2017 registered at Police Station-Shyang, District-Korba(C.G.), for the offence punishable under Section 302, 201 r/w 34 of Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. In the whole investigation, there is practically no evidence against this applicant regarding her involvement in the commission of murder of the deceased. The only statement on the basis of which this applicant is being arrayed as an accused, is the memorandum statement of Pyari Lal Kanwar, the husband of this

applicant, who has stated about the illicit relation of this applicant with deceased and he also has not stated that this applicant participated in the act of causing death of deceased, therefore, no case is made out against this applicant, hence, it is prayed that she may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. .
4. Heard both the parties and perused the case diary.
5. Deceased Sukh Singh Kanwar was done to death by unknown person on 21.4.2017. In the investigation, the evidence of deceased being last seen with Kirtan Ram was found, but the said Kirtan Ram committed suicide on 18.5.2017. After passing of about 7 months, Dhanpati the wife of deceased gave a statement to the police on 4.11.2017, that she had seen the co-accused Pyari Lal and 3 to 4 others carrying a dead-body and throwing it in the open place and she found later on that it was the dead-body of her husband. In the further investigation, co-accused Pyari Lal was apprehended and interrogated, who has given memorandum stating that this applicant had illicit relation with the deceased because of which the deceased was murdered. Hence, this case.
6. After considering on all the evidence that is proposed against this applicant in the investigation done so far, I am of this opinion that it is fit case where the applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on his executing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge