

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2206 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.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Kapil Maini, Advocate.

For Respondent/State : Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/05/2019

1. The Applicant has preferred this second 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. First bail application has been dismissed on merits vide order dated 19.02.2019 passed in MCRC No. 810 of 2019.
3. 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.

4. 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 there is no any direct or indirect evidence available on record which can establish that present Applicant is involved in the commission of murder of her husband. He also submits that first bail application of the Applicant was rejected on the ground that prosecution witness namely Pratap Singh in his statement recorded under Section 161 of Cr.P.C. has stated that on the date of incident, present Applicant has hired his vehicle and on the next morning, Applicant parked the vehicle in front of his (Pratap Singh) house. Later on Applicant gave the keys of vehicle to Pratap Singh when he asked for the same. Blood stain was also found in back seat of the said vehicle. It is further submitted by learned Counsel for the Applicant that after the rejection of the first bail application, Pratap Singh was examined and in his statement, he has not supported the case of the prosecution and has turned hostile. He (Pratap Singh) categorically stated that neither he has given the said vehicle to the Applicant or deceased nor any blood stain has been found in his vehicle. Apart

from the statements of the present witness, there is no any witness available on record, therefore, now in the changed circumstances, Counsel for the Applicant prays that Applicant may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Since prosecution witness namely Pratap Singh has not supported the case of the prosecution in any manner and has turned hostile, and apart from his statement, no any direct or indirect evidence is available on record against the Applicant, she is in custody since 19.09.2018, therefore, considering the above facts and changed circumstances of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge