

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4230 of 2019**

Paro @ Rupa, Wd/o Late Pratap Singh @ Babu, Aged About 29 Years, R/o Bhatthi Dafai, Giddhdand Ledri, Police Station Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Jhagrakhand, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant. : Smt. Uma Sahi, Advocate.
For Respondent. : Shri Aman Kesharwani, P.L.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

05/08/2019

1. The applicant has filed this *First bail application* under Section 439 of the Code of Criminal Procedure for grant of regular bail as she is in custody since 27.12.2017 in connection with Crime No.222/2017 registered at Police Station : Jhagrakhand, District Korea (C.G.) for the offence punishable under Section 302 and 201 of the IPC.
2. As per the prosecution case, the complainant has lodged merg intimation, in which it is mentioned that deceased Pratap Singh@ Babu was found dead in Kasim Khan's house and the cause of death was due to strangulation. During investigation it was found that the wife of deceased/present applicant has strangled her husband/deceased because

he was a habitual liquor consumer and also doubted on her character.

3. Learned counsel for the applicant submits that the applicant has falsely implicated in the present case. He further submitted that there is no last seen evidence of the applicant that she was there with the deceased soon before the death and there is no extra judicial confession of the applicant in this regard. It is next submitted that the dead body of deceased was found outside the house, and the statement of Doctor also shows that it was not a case of strangulation as there is no possibility of death caused by nighty(ladies nightwear cloth) due to strangulation. There is no recovery on the basis of memorandum statement of the applicant. Lastly, it is submitted that the applicant is in custody since 22.12.2017, charge-sheet has been filed and trial will likely to take some more time, therefore, she may be released on bail.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and the fact that the applicant is a lady and in custody since 27.12.2017 and trial will take some more time, this Court is of the opinion that it is a fit case to release the applicant on bail.

7. Accordingly, the application is allowed.
8. It is directed that the accused/applicant shall be released on bail on her furnishing a personal bond of Rs.25,000/- with two local sureties for the like sum to the satisfaction of the concerned Court for her appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge