

HIGH COURT OF CHHATTISGARH, BILASPUR

RESERVED ON 02-09-2019
PRONOUNCED ON 11-09-2019

MCRC No. 4407/2019

Akila @ Aina Darji W/o. Late Dinesh Kumar, aged about 31 years, R/o. Nide=3 C W C, Chimpo, Itanagar, District. Papum Pare, Arunachal Pradesh At present R/o. Choprapara, Ambikapur, P.S. & P.O. Ambikapur, District Surguja, C.G.

---- Applicant

Versus

State of Chhattisgarh through In charge of Police Station Podi, P.S.& P.O. Podi, District. Korea(C.G.)

---- Non Applicant

For applicant	:	Ms. Priyanka Mehta, Adv.
For non-applicant/State	:	Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

CAV Order

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No.78/2019 registered in police station-P.S. Podi, District- Korea (CG) for offence punishable under Section 306, 34 of Indian Penal Code.
3. Prosecution story in brief is that applicant is the wife of deceased Dinesh Kumar. Ten months ago they performed the marriage. She went to

Ambikapur to get the job in the saloon of co-accused Mohd. Javed. The deceased tried to return her. She blackmailed him, gave threats to kill stating that she will falsely implicate him in rape case. Consequently, deceased committed suicide on 13.04.2019 at village Sarola by hanging.

4. Counsel for the applicant argued that the deceased has not committed any crime, she is innocent and falsely implicated in the crime. Co-accused Mohd. Javed is released on bail by 1st Additional Sessions Judge, Manendragarh, the case of applicant is identical to him. Thus, she may be also released on bail.
5. On the other hand, the State Counsel opposed the bail application. He further submits that no criminal antecedent has been reported against applicant in the police case diary.
6. The case of applicant is totally different from the case of co-accused Mohd. Javed. The active role of applicant is depicted in alleged suicidal note of deceased.
7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record, looking to the seriousness of the offence, looking to the impact of granting bail to applicant on society, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge