

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4773 of 2019**

Anita Wd/o Lata Ajay Dahariya Aged About 28 Years R/o Village Mandharkhurd, Police Station Civil And Revenue District Baloda Bazar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Simga, Civil And Revenue District Balouda Bazar- Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Pragalbha Sharma, Advocate.
For the Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.437 of 2018, registered at Police Station – Simga, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Section 302/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 23.12.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused – Bal Kishun Banjare has been granted regular bail by this Court in M.Cr.C. No.2791 of 2019, vide

order dated 8.7.2019. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant is the main accused who had administered some liquor mixed with poison to the deceased because of which, the deceased has expired. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant was wife of deceased – Ajay Dahariya and they had strained relation because of which, they were living separately. It is alleged that this applicant had love affair with co-accused – Bal Kishun Banjare. The deceased was invited to Khandwa Mela by the present applicant and the co-accused where the applicant, co-accused and the deceased were last seen together. The dead-body of the deceased was found on the next day. In the postmortem report, it is found that the cause of death was some suspected poisoning.

6. After considering the material present in the case-diary and taking into consideration the fact that similarly placed co-accused person has been granted regular bail by this Court, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge