

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5675 of 2019

- Smt. Baijanti Kashyap, S/o Late Sanju Kashyap, Aged About 33 Years
Caste Uraon, R/o Village Syam Nagar Lata, Ps. Darri, District- Korba,
At Present R/o Kanya Ashram School, Village Pali, District- Korba,
Post Kanya Ashram, Adhikchhika.

---- Applicant

Versus

- The State of Chhattisgarh Through The Out Post-Korbi, P.S. Pasan,
District- Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Kalyan Kalamkar, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/11/2019

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application bearing MCRC No.3973 of 2019 was dismissed as withdrawn vide order dated 24.7.2019 with liberty to revive the same after examination of medical witnesses.
2. This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail to the applicant who has been arrested in connection with Crime No.07/2019 registered at the Police Outpost-Korbi, Police Station-Pasan District-Korba (C.G.) for the offence punishable under Sections 302 & 201 of

the Indian Penal Code.

3. It is submitted by the learned counsel for the applicant that applicant has not committed any offence and she has been falsely implicated in this case. The material witnesses of this case have been examined before the trial Court and their statements are not reliable in any sense. The applicant is a woman and she has recently delivered a child in jail, therefore, she needs medical care and attention. She also needs to take care of newly born child. Hence, it is prayed that the applicant be granted regular bail.
4. Learned State Counsel opposes the application and submissions made in this respect. It is submitted that there are strong circumstantial evidence present against this applicant indicating that she has committed murder of the deceased. It is also submitted that the trial is on the verge of conclusion, therefore, there is no reason to grant bail to the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, it is alleged that this applicant has strangled the deceased to death and thereafter locked him in her house. After some time the applicant opened the lock of house where the deceased was found dead. The medical evidence shows that the deceased was strangled to death.
7. Considering that the trial of the case is now near conclusion and further considering that the prosecution initiated against her has substance, I am not inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected. However, the trial Court is directed to conclude the trial

against the applicant as early as possible, preferably within a period of 3 months from the date of production of certified copy of this order.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha