

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5937 of 2019

1. Dayashanker Rajput S/o Late Mungram Rajput, Aged About 46 Years, R/o Village Kanharpur, P.S. Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
2. Chameli Bai Rajput W/o Dayashanker Rajput Aged About 42 Years, R/o Village Kanharpur, P.S. Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Pathariya, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

----Non-applicant

For Applicants – Shri Uttam Pandey, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-10-2019

1. This is second bail application before this Court filed by the applicants for grant of regular bail under Section 439 of the Cr.P.C. The applicants have been arrested on 10-01-2019 in connection with Crime No.09/2019 registered at P.S. - Pathariya, District Mungeli, Chhattisgarh for the offence under Section 302, 201/34 of the IPC and Section 4 & 5 of Tonhi Pratadna Adhiniyam.
2. At the outset, learned counsel for the applicants prays to withdraw the application filed on behalf of applicant No.1 Dayashanker Rajput for grant of regular bail.
3. Accordingly, the application filed on behalf of applicant No.1 Dayashanker Rajput for grant of regular bail is dismissed as withdrawn.
4. It is submitted on behalf of the applicant No.2 that this is repeat application of applicant No.2 Chameli Bai Rajput for grant of regular bail. Her earlier application MCRC No.3310 of 2019 was dismissed as withdrawn on 09-07-2019. It is submitted that applicant No.2 has not committed any offence, she has been falsely implicated in this case. There is no eye-witness neither any

circumstantial evidence present against her. The case is still pending for trial and a number of witnesses have been examined who have not made any statement against her. Therefore, it is prayed that her application may be allowed.

5. Learned counsel for the State/non-applicant opposes the application submitting that applicant No.2 has very clearly admitted in her memorandum statement that she along with the main accused has committed the murder of the deceased. Therefore, she is not entitled for grant of bail.

6. Heard learned counsel for the parties and perused the case diary.

7. According to the prosecution case, deceased Jagbai was mother of co-accused Dayashanker Rajput and mother-in-law of applicant No.2. This applicant and the co-accused suspected that the deceased was sorcerer and therefore both of them caused her death by strangulating her. The dead body of the deceased was buried inside the compound of the house of the co-accused and this applicant.

8. Copies of the deposition of the witnesses have been filed along with the application. After perusing the statement of the witnesses who appear to be material witnesses in this case, I am of this opinion that this is a fit case to grant regular bail to applicant No.2.

9. Consequently, the prayer made by applicant No.2 Chameli Bai Rajput in this application under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that applicant No.2 Chameli Bai Rajput 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 Court, for her appearance as and when directed.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge