

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8016 of 2018**

Laxmi Vishwas, Wife of Sudhir Vishwas, aged about 45 years, R/o Purvi Borgaon, Bazarpara, P.S. Farasgaon, District Kondagaon (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Farasgaon, District Kondagaon (CG). **---- Non-applicant**

For Applicant	: Mr. Vishnu Koshta, Advocate
For Non-applicant	: Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.93/2016 registered in Police Station Farasgaon, District Kondagaon for the offence punishable under Sections 302, 201 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the marriage of the deceased Bharti Vishwas was solemnized with co-accused Prasanjeet Vishwas two years prior to her death. The applicant is her mother-in-law. On 25.10.2016, co-accused Prasanjeet Vishwas intimated to Police Station, Farasgaon that deceased Bharti Vishwas had committed suicide by hanging. As per postmortem report of the deceased, cause of the death is asphyxia and cerebral congestion due to strangulation and throttling and manner is homicidal.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that on the basis of the memorandum of co-accused Prasanjeet Vishwas, the applicant has been implicated in this case and contents of the memorandum except discovery of facts leading to seizure are inadmissible in evidence; and the applicant being a woman, she may be released on bail.
5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant however, he submits that no criminal antecedent reported against the applicant in police case diary.
6. The death of the deceased is homicidal in nature. Her dead body was found in her in-laws house, where the present applicant was residing. *Prima facie*, it appears that at the time of death of deceased, the applicant was present in the house.

7. Looking to the above mentioned facts and circumstances of the case and looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-