

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 554 of 2020**

- Shipra Haldar W/o Ashim Haldar, Aged About 45 Years R/o Village Manoranjan Chowk, Malkharoda, Thana Malkharoda, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station Dabra, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri Parag Kotecha, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**24/02/2020**

1. The Applicant has preferred the second bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 15/2019, registered at Police Station – Dabra, District – Janjgir-Champa, Chhattisgarh, for the offence punishable under Sections 302 and 201 of I.P.C.
2. As per the prosecution story, deceased Basanti Vishwas was the step mother of the present applicant. On 08.01.2019 at about 1:00 PM Basanti Vishwas was found dead in her house. Allegedly, she was murdered by the present applicant due to some previous dispute of money. On the basis of the said background, offence has been registered and applicant has been taken into custody on 09.01.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that first bail application of the applicant was dismissed on merits vide order dated 27.06.2019 passed in MCRC No.

3149/2019 on the ground that according to the diary statements of Rakesh Sahu, *prima facie*, it was established that just before the incident, applicant was seen meeting with the deceased in front of her house and also that applicant had made extra judicial confession before Rakesh Sahu. Further ground raised while dismissing the first bail of the applicant was that the memorandum statement of the applicant wherein one saree was found with blood stains of the deceased. Learned Counsel appearing for applicant further submits that Rakesh Sahu has already been examined before trial Court and he has not supported the case of the prosecution and turned hostile. Both seizure witnesses and memorandum witnesses namely Sanjeev Kumar (PW-2) and Ranjeet Singh (PW-3) have also been examined and they have not supported the case of the prosecution and turned hostile. Therefore, at present there is no other evidence available against present applicant. Applicant is in custody since 09.01.2019 and trial is likely to take some time. Looking to the above change circumstance, it is prayed that applicant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and after going through the statements of witnesses namely Sanjeev Kumar (PW-2) and Ranjeet Singh (PW-3) and Rakesh Kumar Sahu (PW-8), fact that applicant is in custody since 09.01.2019, trial is likely to take some time and considering the change circumstance of the case, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the

like amount to the satisfaction of the concerned Trial Court for her appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge