

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1148 of 2020

- Ku. Rakhi Thakur, D/o Late Dasrath Netam, Aged About 43 Years, R/o Balaji Ward Police Station Kotwali, District-Bastar State Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Kotwali, Jagdalpur District-Bastar, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikas A. Shrivastava, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/02/2020

1. This is 6th bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His 1st application bearing MCRC No.3158/2018 was dismissed as withdrawn vide order dated 2.7.2018. Second application bearing MCRC No.5347/2018 was again dismissed as withdrawn vide order dated 21.8.2018. Third bail application bearing MCRC No.1481/2019 came to be dismissed on 18.4.2019 for want of prosecution. Fourth bail application bearing MCRC No.3186/2019 was again dismissed as withdrawn vide order dated 15.5.2019. Fifth bail application bearing MCRC No.4839/2019 was also dismissed as withdrawn vide order dated 23.7.2019 with a direction to the trial Court concerned to conclude the trial expeditiously, preferably within a period of 6 months from the date of that order.

2. Learned counsel for the applicant submits that subsequent to passing of order dated 23.7.2019, more than 6 months have passed and still the trial has not concluded. The applicant is in jail for the last about more than two years and so far only 6 witnesses have been examined out of total 22 witnesses. Even on merit the applicant is entitled for grant of bail as there is no direct or substantial evidence against her. Hence, it is prayed that the applicant be granted regular bail.
3. Learned State counsel opposes the application and submissions made in this respect. It is submitted that this applicant is the main accused in the crime in question, who has caused death of the deceased persons and thereafter had also committed the offence of concealing the evidence. Hence, she is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per prosecution case, deceased Smt. Phoolbail Thakur & Babloo Netam were found dead in their house. The applicant was opposite neighbor of the deceased. During investigation, this applicant revealed the incident to the police and stated that she had participated in commission of the murder of the deceased persons and that some recoveries were made at her instance.
6. After perusing the entire material present in the case diary and considering the fact that applicant is in jail since more than two years; some of the important witnesses, who have been examined, have not supported the prosecution case and the slow pace of trial, I am of this view that this is a fit case where the application filed by the applicant can be allowed.

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

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha