

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6965 of 2020**

Manita Alias Dua D/o Dhansay, Aged About 19 Years
Caste Nagesia, Occupation Farmer, R/o Village
Mohanpur, Kadampara, P.S. Darima, Tehsil Ambikapur,
District Sarguja Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Police Station Darima,
District Sarguja Chhattisgarh.

---- Non-applicant

For Applicant : Shri Aditya Tiwari, Advocate on behalf
of Shri Shaleen Singh Baghel, Advocate
For Non-applicant/State : Shri Ashish Tiwari, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****14.12.2020**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 30.10.2019 in connection with Crime No.56 of 2020 registered at Police Station Darima, District Sarguja, Chhattisgarh for commission of the offence punishable under Sections 302 and 110 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that present applicant was having love relationship with deceased Binkos Barwa. The family members of applicant and deceased was not agreed

with the relationship between them, on account of which, applicant gave poison and liquor to deceased through one boy aged about 8 years. Deceased after consumption of liquor and poison was lying on ground, was taken to Hospital at Ambikapur, where Binkos Barwa died.

3. Shri Aditya Tiwari, learned counsel for the applicant submits that applicant who is girl aged about 19 years was having love affairs with deceased Binkos Barwa, but family members of both the persons were not accepting their relationship, therefore, both of them jointly at the same time consumed poison. Deceased consumed poison with his own and there was no forceful act by any of the person. Applicant was also admitted to Hospital in serious condition, but somehow she survived.
4. On the other hand, Shri Ashish Tiwari, learned State Counsel opposes the prayer for grant of bail and submits that as per the statement of Ramvishal, minor boy aged about 8 years, it is the applicant who sent bottle of liquor and some liquid in glass with odd smell. He handed over the same to Binkos Barwa, which shows that it is the applicant who had abated for consumption of poison, hence, offence levelled against her is made out.
5. At this stage, Shri Tiwari, learned counsel for the applicant referred to statement under Section 161 of the Cr.P.C. of

father of the deceased, by name, Niranjana, who has stated about love relationship between the present applicant and deceased and also the fact that deceased intended to marry with present applicant.

6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the overall facts and circumstances of the case, particularly, nature of offence and allegations levelled against the present applicant who is a girl aged about 19 years, the statement recorded under Section 161 of the Cr.P.C. of father of deceased, by name, Niranjana; further considering that the applicant also consumed poison and she was admitted to Hospital in serious condition, without commenting anything on merits of the case, I am inclined to release applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) She shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) She shall not, in any manner, tamper with the

prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh