

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 612 of 2021

- Saraswati Suryavanshi, W/o - Late Shrilal Suryavanshi, Aged About 22 Years, R/O- Ward No. 09, Muktaraja Police Station Baradwar, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station Baradwar, District Janjgir-Champa, Chhattisgarh. **---- Non-Applicant/State**

For Applicant	:	Shri F.S. Khare, Advocate
For Non-Applicant/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18.03.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 24.07.2020 in connection with Crime No. 206/2020, at Police Station- Baradwar, District- Janjgir- Champa (C.G.) for the offence punishable under Section 302, 201 and 120-B of I.P.C.
2. The allegation against the present applicant is that she in conspiracy with other co-accused persons assaulted the deceased Dilip Khande and Kirit Lal Khande with a sharpe edged weapon and caused their death. It is alleged that in order to cause disappearance of the evidence of the crime, the accused persons having tied the dead bodies with the motorcycle with the help of *Saree* and *Gamcha*, threw the same into the canal.
3. Learned counsel for the applicant submits that the allegation against the applicant is false and fabricated, he submits that the

applicant/accused is widow lady, having responsibility of her two children and old aged mother-in-law. The present applicant is only bread earner of the family. The applicant is in jail since 24.07.2020 and her 2 and ½ years old child is also in jail with her. The only allegation against the present applicant is that she accompanied the co-accused persons and helped them in disposal of the dead body of the deceased persons into canal. As per memorandum statements of accused Vijay Kumar Ratre and Dinesh Kumar Bansal it is clear that the present applicant has not committed murder of the deceased persons, she was only present at the spot. The present applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, charge-sheet has already been filed, conclusion of the trial is likely to take some time, therefore, at this stage, she may be granted bail.

4. On the other hand, learned counsel for the Non-Applicant/State opposes prayer for grant of bail and submits that the case against the present applicant is also made out that she was actively involved in killing of the deceased persons. However, the applicant has no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, evidence available on record, memorandum statements of the co-accused persons it is clear that the present applicant was only present at the spot and it is not proved that she was also involved in commission of murder, detention period of the applicant who is 22 years old widow, the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court,

she shall be released on bail on following conditions:-

- (a) she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
- (b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (d) she shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving herself in similar offence in future.

Sd/-

(Gautam Chourdiya)
Judge

Nadim