

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****MCRC No. 1470 of 2021**

- Basanti W/o Chamanlal, aged about 51 years, R/o village Sonpur (wrongly mentioned as Sanpur), Police Station Surajpur, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh

**-----Applicant****VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station: Surajpur, District- Surajpur, Chhattisgarh

**-----Respondent****WITH****MCRA No. 1569 of 2021**

- Suraj Dewangan S/o Chamanlal, aged about 22 years, R/o village Sonpur, Police Station Surajpur, Tahsil Ramanujnagar, District Surajpur Chhattisgarh

**-----Applicant****VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station: Surajpur, District- Surajpur, Chhattisgarh

**-----Respondent**


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|-----------------------|----------------------------------------------------------|
| For Applicants        | : Mr. P.K. Tulsyan, Advocate & Mr. Anil Gulati, Advocate |
| For Respondent- State | : Mr. B.L. Sahu, Dy. Govt. Adv.                          |

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**(through Video Conferencing)****Hon'ble Shri Parth Prateem Sahu, Judge**  
**ORDER****20/07/2021**

1. As both the applications are arising out of same crime number, hence, they are being disposed of by this common order.
2. Applicants have filed these applications under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 498/2020 registered at Police Station Surajpur, District Surajpur (C.G.) for the offence punishable under Sections 306 read-with Section 34 of IPC.

3. Case of the prosecution is, that Sriprasad Rajwade, father of deceased Kuleshwari Rajwade, lodged a merg intimation to the concerned police station intimating that on 15.06.2020, applicant Basanti came to his house with her mobile phone and gave the same to his daughter for the purpose of talk. After completion of talk, she returned back with her mobile phone. After sometime, deceased Kuleshwari Rajwade went outside the house and did not return back. On 17.06.2020, dead body of Kuleshwari Rajwade was recovered from a well. Based upon this, crime was registered and during the course of investigation, based on the statement recorded under Section 161 of CrPC of Sriprasad Rajwade and Sonelal Rajwade, present applicants have been arrayed as accused in the crime and were arrested.
4. Mr. Pravin Kumar Tulsyan, learned counsel for applicant in MCRC No.1470/2021 submits that the allegation levelled against the present applicant Basanti is that she is mother of applicant Suraj Dewangan in MCRC No. 1569/2021. She visited the house of deceased before the alleged incident and gave her mobile phone to deceased Kuleshwari for talk, thereafter, she returned back. He further submits that even in the statement recorded under Section 161 of CrPC, there is no any further allegation levelled against present applicant Basanti. She was arrested on 04.10.2020. Charge-sheet has been filed, hence, the present applicant may be enlarged on regular bail.
5. Mr. Anil Gulati, learned counsel for the applicant in MCRC No. 1569/2021 submits that the merg was lodged by the father of deceased where it is only mentioned that Basanti (applicant in MCRC No. 1470/2021) visited the house of deceased and gave the deceased her mobile phone and thereafter returned back. He further submits that father of deceased mentioned that after sometime, deceased went outside the house and did not return. In the merg intimation, there is no allegation against Suraj Dewangan. Statement under Section 161 of CrPC was recorded after

much delay ie. on 04.10.2020. Statement made by witness is an after thought only to falsely implicate the present applicant Suraj Dewangan in the case, hence, he may be enlarged on bail.

6. I have heard learned counsel for the respective parties.
7. Sofar as, the application of applicant Basanti in MCRC No. 1471/2021 is concerned, allegation levelled against her is that prior to the incident, she visited the house of deceased, gave her mobile phone to talk, thereafter, she returned back. In the statement recorded under Section 161 of CrPC, witnesses have not made any further allegation against her.
8. Taking into consideration the nature of allegation, facts and circumstances of the case, the fact that applicant was arrested on 04.10.2020, without commenting anything on merits, I am inclined to enlarge the applicant Basanti in MCRC No. 1470/2021 on regular bail.
9. Sofar as, application of applicant Suraj Dewangan in MCRC No. 1569/2021 is concerned, there is specific allegation against him that after fixing of marriage of deceased with one Bhajanlal Rajwade, he threatened him and his father over a phone call, not to perform marriage with Kuleshwari Rajwade otherwise he would kill them. Similar statement has been stated by father of deceased.
10. Considering the nature of allegation levelled against the present applicant Suraj Dewangan of threatening to kill to be in-laws of deceased which is one day prior to her marriage. Further, as per the material available in the case diary it is appearing that at the time of committing suicide by jumping into the well, Suraj Dewangan was present at the place of incident, I am not inclined to enlarge applicant Suraj Dewangan on bail at this stage.
11. Accordingly, the bail application MCRC No. 1569/2021 filed by Suraj

Dewangan is dismissed.

12. Bail application MCRC No. 1470/2021 filed by Basanti is allowed. It is directed that the applicant Basanti shall be released on regular bail, upon her furnishing a personal bond in the sum of Rs. 25,000/- with one local surety in like sum to the satisfaction of the Court on the conditions that-

- a) She shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan