

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2108 of 2021

1. Khulaso W/o Sobhnath, Aged About 62 Years, R/o Village Hariharpur, Police Station And Tahsil Premnagar, District Surajpur (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Premnagar, District Surajpur (C.G.).

---- Non-Applicant

For Applicant	:	Mr. D. Kushwaha, Advocate.
For Respondent/State	:	Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05/07/2021

- 1) The matter is heard through video conferencing.
- 2) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 7356/2020 was dismissed for want of prosecution on 25/01/2021.
- 3) The applicant is arrested on 16/05/2020 in connection with Crime No. 27/2020 registered at Police Station Premnagar, District Surajpur (C.G.) for the offence under Section 302 of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that on 28/03/2020 complainant Sobhnath lodged a merged intimating that on that time at around 6 AM his wife Budhni Bai (deceased) had gone towards pond to attend call of nature and did not return thereafter. When he went towards the pond in search of his wife she was found lying in the mud of the pond (Dabri) in dead

condition. During merg inquiry it was disclosed that while deceased Budhni Bai was washing her hands and fists in the said pond, the present applicant, who is co-wife (Sautan) of husband of Budhni Bai pushed into the pond and forcibly kept her into pond as a result of which she died. The said incident was witnesses by one Ful Kuwar.

- 5) Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this case. He submits that the applicant is in jail since 16/05/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.
- 6) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 7) I have heard the learned counsel appearing for the parties.
- 8) Considering the facts and circumstances of the case, in particular the statement of eye witness Ful Kuwar recorded under 164 of the Cr.P.C., the postmortem report of the deceased and other material available on record, without commenting anything on merits of the case, this Court is not inclined to release the applicant on bail. Accordingly, the application is **rejected**.

-Sd/-
(Gautam Chourdiya)
Judge