

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1793 of 2021

- Ram Bai W/o Baban Ram Kushwaha Aged About 56 Years R/o Village Koteya Police Station And Tahsil Bhaiyathan District Surajpur Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Of Police Station Jhilmili District Surajpur Chhattisgarh,

---- Respondent

For Applicant	–	Mr. Anil Gulati, Advocate
For State	-	Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.07.2021

1. This is the first bail application filed under Section 439 of CrPC for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 94/2019 registered in Police Station Jhilmili, Distt. Surajpur (C.G.) for offence punishable under Sections 302, 201 r/w 34 of Indian Penal Code.
2. As per prosecution case, the dead body of one Pradeep Kushwaha was found on 25.06.2019. Subsequently, since no eye-witness was present, as such, the matter was investigated and on the statement of one Rajeshwar Kushwaha it was informed that the present applicant Rambai and Vijaynarayan Kushwaha were talking to each other whereby they said “after one year they are still at large even after committing murder of Pradeep Kushwaha”. That statement was subsequently reported and on that basis, the applicant Rambai and the other co-accused Vijaynarayan Kushwaha were arrested.
3. Learned counsel for the applicant submits that the other co-accused Vijaynarayan Kushwaha has been enlarged on bail by the Coordinate Bench of this Court in MCRC No. 7445/2020 on 08.01.2021 and the case of the present applicant is similar, therefore she may also be enlarged on bail.

4. Learned State counsel opposes the submission made by learned counsel for the applicant.

5. Perused the earlier bail order by the co-ordinate Bench, the other co-accused has been enlarged on bail on the ground as to whether the statement of Rajeshwar Kushwaha would fall within the ambit of extra judicial confession. Therefore, primarily on that basis he has been enlarged on bail. Considering the same that the similar allegation are against the applicant and similar facts are involved and also the fact that she is in jail since 01.07.2020, I am inclined to release the applicant on bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on her furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for her regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

Judge

Vishakha