

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through video conferencing)

MCRC No. 3649 of 2021

- Smt. Lateshwari Patel, W/o Annu Patel, Aged About 25 Years, Caste Marar, R/o Village Katulwahi, Police Station Ambagarh Chauki, District-Rajnandgaon, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through- The Police Station Ambagarh Chauki, District- Rajnandgaon, Chhattisgarh. ---- **Non-Applicant**

For Applicant : Mr. S.S. Baghel, Advocate

For Non-Applicant/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

09.08.2021

- 1) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 24.07.2020 in connection with Crime No. 140/2020, registered at Police Station- Ambagarh Chauki, District - Rajnandgaon (C.G.) for the offence punishable under Section 302, 34 of IPC.
- 2) Case of the prosecution, in brief, is that on 20.07.2020 at around 6 pm there was some hot talk between the husband of the applicant namely Annu Kumar Patel (co-accused) and his younger brother Anuj Kumar Patel (deceased) over the deceased not helping him in agricultural work, during the said quarrel deceased Anuj Kumar Patel caused injuries to the co-accused Annu Kumar Patel with club and bricks on his back and head. Since the deceased used to fight with co-accused Anuj Kumar Patel and his wife Lateshwari Patel (applicant herein) every now and then, to get rid of all this, co-accused Annu Kumar Patel alongwith his wife/applicant herein committed

murder of the deceased Anuj Kumar Patel by strangulating him with a piece of cloth (gamcha) in the night intervening 21-22 July 2020 while the deceased was sleeping in the varandah.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. Counsel for the applicant further submits that the main allegation is against the co-accused- Annu Kumar Patel, who is husband of the present applicant, the applicant has 6 months child, except memorandum statement there is nothing against the applicant and further nothing has been seized pursuant to her memorandum. Charge-sheet has already been filed, the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding. The applicant is in jail since 24.07.2020, she is 25 years old and due to Covid-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application and submits that the applicant actively participated in commission of murder of the deceased.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, looking to the fact that co-accused Annu Kumar Patel husband of the applicant is main accused, who committed murder of the deceased by strangulating him with scarf and as per his memorandum statement the said scarf was seized, except memorandum statement of the applicant there is no evidence against her, nothing has been seized pursuant to her memorandum, the applicant is in jail alongwith her six months child, no specific evidence collected against the applicant, the detention period of the applicant, who is 25 years old and the fact that the applicant has no criminal antecedents and there is no likelihood of the applicant tampering with the prosecution evidence or absconding and due to Covid-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.

6) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- 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.

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