

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4164 of 2021**

- Smt. Mehatarin Bai Sahu, W/o Birsingh Sahu, aged about 40 Years, R/o Village Dokerbhata (Dokerabhata), Police Station - Chhuikhadan, District - Rajnandgaon, Chhattisgarh.

---Applicant**Versus**

- State of Chhattisgarh, Through - Station House Officer, Police Station - Chhuikhadan, District - Rajnandgaon, Chhattisgarh.

----Non-applicant

For Applicant	Shri Rakesh Pandey, Advocate.
For State	Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board**25/08/2021**

1. The matter is heard through Video Conferencing.
2. Earlier the applicant had filed MCRC No.5972 of 2020 which was dismissed as withdrawn vide order dated 01.12.2020
3. The applicant has preferred this second bail application under Section 439 of Cr.P.C. as she has been arrested in connection with Crime No.162/2020 registered at Police Station- Chhuikhadan, District Rajnandgaon, C.G. for the offence punishable under Section 302 of Indian Penal Code.
4. As per the prosecution case, during inquiry into the merger intimation dated 06.08.2020 lodged by the complainant Dharam

Sahu that his nephew Vishal Sahu @ Dadu, aged about 1 year and 3 months has died due to drowning in the water tank, it revealed that the present applicant had taken the deceased child to the house of Dilip Sahu and threw the child into the water tank as a result of which he died.

5. Learned counsel for the applicant submit that applicant is an innocent person and has been falsely implicated in this case. He submits that there is no direct evidence proving involvement of the applicant and the circumstantial evidence so far collected by the police i.e. last seen is very weak evidence. The applicant has been arrested merely on the basis of suspicion, she is in jail 26.07.2020, charge sheet has already been filed and due to COVID-19 pandemic conclusion of trial is likely to take some time. Therefore, the applicant be released on bail.
6. Learned counsel for the State opposes the bail application.
7. Heard learned counsel for the parties.
8. True it is that there is no direct evidence against the applicant, however, considering the circumstantial evidence being last seen of the deceased child with the applicant, the statement of witness Ku. Bindu Sahu and other witnesses, the height of the water tank was 2 feet 10 inch whereas the deceased was aged about 1 year and 3 months and as such it was not possible for him to jump into the tank; as per postmortem report, the deceased died due to drowning; as per the statements of the witnesses, applicant used

to nourish animosity against the parents of the deceased and threaten them of killing the deceased; she was seen going to the house of Dilip with the deceased child and after some time coming out alone; her conduct during commission of the alleged offence and subsequent thereto, the contents of the FIR as well as the age of the deceased, the other material available on record, without touching the merit aspect of the case, I am not inclined to release the applicant on bail.

9. Accordingly, the bail application is rejected.

Sd/-
Gautam Chourdiya
Judge

Akhilesh