

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 4760 of 2021

- Dhaneshwari Sahu, W/o Shri Purushottam Sahu, Aged About 30 Years, R/o Village Beloudi, Gandhi Chowk, Police Station - Magarlod, District- Dhamtari, Chhattisgarh. **---- Applicant**

Versus

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

---- Non-Applicant

For Applicant : Shri S. B. Pandey, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

04.08.2021

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail since 03.01.2021 in connection with Crime No. 292/2020, registered at Police Station- Gariyaband, District- Gariyaband (C.G.) for the offence punishable under Section 302, 201, 120 (B), 34 of IPC.
- 2) Case of the prosecution, in brief, is that the on 30.12.2020 the village Kotwar namely Manoj Gandharv informed the police through mobile phone that around 4 km inside of the village, in Chingrapagar forest, blood soaked corpse of a woman was lying on the way of Gahandar village. During investigation, the applicant alongwith other co-accused person was found to have committed the murder of the deceased and hence they were arrested by the police.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question, the applicant is mother of two children, she has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, the applicant has been arrested on 03.01.2021 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 conspired with other co-accused persons for killing of the deceased and thus killed the deceased and caused disappearance of the evidence of crime.
- 5) Having heard learned counsel for the parties.
- 6) Having regard to the facts and circumstances of the case, nature of allegation made against the present applicant, the conspiracy for killing of the deceased with the help of other co-accused persons due to suspicion of deceased having illicit relation with the husband of the applicant, murder of the deceased due to demand of money by the deceased from the husband of the applicant, memorandum statement of the applicant and seizure, without commenting anything on merits of the case, I am not inclined to grant bail to the present applicant.
- 7) Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge