

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4904 of 2021

1. Fuleshwari Devi, W/o Rajkumar, Aged about 30 years, R/o- Baigapra Panchawal, P.S. & Tahsil- Balrampur, District Balrampur-Ramanujganj (C.G.)
2. Shivbalak @ Natwa, S/o Jageshwar Kodaku, Aged about 30 years, R/o- Sarangpur, P.S. & Tahsil- Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, Through Police Station Balrampur, District Balrampur-Ramanujganj (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Vikas Pandey, Advocate
For Non-Applicant/State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

07.09.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 29.12.2020 in connection with Crime No. 31/2019 registered in Police Station- Balrampur, District Balrampur-Ramanujganj (CG), for the offence punishable under Sections 302, 201, 34 of IPC.
2. Prosecution case in brief is that on 16.11.2018 complainant namely Budhiya has informed the police that when he went to answer the call of nature to Maghitongri from his house, where he saw the dead body of deceased Ankit Kujur. The police of Police Station Balrampur registered a case under Section 302, 201, 34 of IPC under Crime No. 31/2019 against the unknown person. During investigation, on the basis of memorandum statements of the present applicants, they were arrested in the crime in question.
3. Learned counsel for the applicants seeks to withdraw the bail application on behalf of applicant No.2 Shivbalak @ Natwa with liberty to file a fresh application as and when occasion arises.
4. Accordingly, the bail application on behalf of applicant No.2 Shivbalak @

Natwa is dismissed as withdrawn with the liberty as stated above.

5. Now this Court considers the bail application on behalf of applicant No. 1 Fuleshwari Devi.
6. Learned counsel for the applicants submits that only on the basis of memorandum statements of the applicants, applicant No.1 Fuleshwari Devi has been falsely implicated in the crime in question and there is no direct evidence against her. He also submits that applicant No.1 Fuleshwari Devi has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding, she is in jail since 29.12.2020 and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, applicant No. 1 Fuleshwari Devi be released on bail by this Court.
7. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application of applicant No.1 – Fuleshwari Devi.
8. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of allegation made against applicant No.1 Fuleshwari Devi, no specific allegation mentioned in the memorandum statements of the applicants which were recorded in the year 2020 whereas the incident took place in the year 2018, as per the prosecution case itself no assault was made by applicant No.1 Fuleshwari Devi on the deceased and no poisonous substance administered by her to the deceased, as per postmortem report also no symptoms of poisoning was found on the body of the deceased, considering the detention period of the applicant No.1 Fuleshwari Devi who is 30 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the application on behalf of applicant No.1 Fuleshwari Devi is allowed.

9. It is directed that in the event of applicant Fuleshwari Devi 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 :-

- i. 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/her from disclosing such fact to the Court.
- ii. she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- iv. she shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. she shall not involve herself in any offence of similar nature in future.

10. 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 nature of offence.

11. In the result, the bail application on behalf of applicant No.2 Shivbalak @ Natwa is dismissed as withdrawn, whereas bail application on behalf of applicant No.1 Fuleshwari Devi is allowed on the aforesaid terms and conditions.

Sd/-

(Gautam Chourdiya)
Judge