

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5534 of 2021

- Kirti Banjare @ Kirti Baghel, W/o Late Kamal Prasad Baghel, Aged About 32 Years, R/o Harshit Vihar Colony, Ward No. 16, Urkura, Raipur, Police Station- Khamtarai, District- Raipur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- P.S- Khamtarai, Raipur, Chhattisgarh. **---- Non-Applicant**

For Applicant : Shri Pragalbha Sharma, Advocate

For Non-Applicant/State : Shri Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

18.08.2021

Heard.

- 1) The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 15.02.2021 in MCRC No. 7193 of 2021.
- 2) The applicant has preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is in jail in connection with Crime No.274/2020, registered at Police Station- Khamtarai, District- Raipur (C.G.) for the offence punishable under Section 302, 201 of IPC.
- 3) Case of the prosecution, in brief, is that as per merged intimation dated 25.01.2020 lodged by father of the deceased, the deceased namely Kamal Prasad Baghel was admitted in hospital on 24.01.2020 for treatment as he was not filling well and he died during treatment in the hospital itself. Upon postmortem

certain injuries were found on the neck, abdomen and other parts of the deceased. During investigation it revealed that on the date of incident there was some quarrel between the applicant and the deceased over money transaction and the applicant pushed the deceased from the roof top.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, he further submits that the applicant is mother of two children and there is no one to look after the children. The applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding the applicant has been arrested on 02.07.2020 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.
- 5) On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the present applicant, she was involved in commission of murder of the deceased, as per statement of the State counsel same allegation is made by the PW-1 therefore, it is matter of appreciation of evidence and it is to be considered by learned trial Court, without commenting anything on merits of the case, I am not inclined to grant bail to the applicant.
- 7) Accordingly, the bail application filed by the applicant is rejected.

Sd/-

(Gautam Chourdiya)
Judge