

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7396 of 2021

Smt. Mongra Bai Sahu W/o Late Shri Ishwari Prasad Sahu Aged About 29 Years R/o Village Rasai, Thana Arang, Civil And Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Alok Nigam, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

15/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as she has been arrested in connection with Crime No.47/2021 registered at Police Station- Khallari, District- Mahasamund (C.G.) for the offence punishable under Sections 302, 201, 120-B of IPC.
2. Case of prosecution is that on 26.3.2021, a dead body of unknown person was found in the forest of Khamardih. Police published the news in newspaper of finding of dead body, upon

which, Gaukaran and Jagdish went on spot, identified the dead body as of Ishwari. During course of investigation, applicant and one Bishat Deewan were interrogated and their memorandum statements were recorded in which they have admitted their guilt. Based upon memorandum statement, they were arrested in the aforementioned crime.

3. Mr. Sunil Sahu, learned counsel for the applicant would submit that the deceased was husband of the applicant. They resided for considerable time and from their relationship, they were blessed with two children, one boy and a girl, but, due to some dispute between them, deceased- Ishwari started living separately in the house of his father. Since then, except the conversation on mobile phone, deceased was not visiting the house of applicant at Raipur. Applicant was interrogated based upon memorandum statement of Bishat Deewan recorded on 30.3.2021 at about 14:40 hrs. Though in his memorandum statement, Bishat has stated the manner in which the crime was committed and also preparing of plan for committing murder of late Ishwari, it cannot be accepted in view of subsequent video statement recorded by the SHO of concerned police station wherein Bishat, co-accused, has not made any statement of making plan along with the applicant of murdering the deceased. There is no seizure of any incriminating article from possession of applicant. Applicant is a lady and is in jail since 30.3.2021, hence, she may be enlarged on regular bail.

4. Mr. Alok Nigam, learned counsel for the State opposes the submissions of learned counsel for the applicant and would submit that from the memorandum statement of Bishat Deewan as well as applicant, it is apparent that Bishat is having illicit relationship with applicant. They wanted to marry but only to keep away the deceased, they have committed his murder. He also submits that Goukaran Sahu, brother of deceased is witness of last seen. He saw deceased along with Bishat Deewan on motorcycle on 26.3.2021 which is last day of the deceased seen alive. He also points out the submission of learned counsel for the applicant that video statement recorded of the co-accused is only to know the manner in which crime is committed and not the entire statement as to how the applicant along with Bishat prepared plan. He submits that video statement is from the place of incident where Bishat has narrated the manner in which he committed murder of deceased. Hence, submission of learned counsel for applicant that Bishat has not made any statement of preparing plan along with applicant is not correct if other material available in the case diary is considered and read together. Hence, applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, manner in which the aforementioned

crime was committed, statement of Gaukaran who is the witness of last seen of the deceased along with co-accused Bishat Deewan and further considering other material available in the case diary, I do not find present to be a fit case for grant of bail to applicant.

7. Application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge