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HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 21-1-2021Order delivered on 04-02-2021HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7903 of 2020

- Smt. Laxmin Bai W/o Gulab Singh Aged About 45 Years
Caste Kanwar, Resident Of Village Patpara, Chouki
Chaitma, Thana Pali, District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chouki Chitma, Police
Station Pali, District Korba Chhattisgarh.

---- Respondent

For Applicant
For Respondent /State

Mr. Vikash Pandey, Advocate
Mr. Ayaz Naved, G.A.

Hon'ble Mr. Justice Prashant Kumar MishraCAV Order

1. Heard.
2. The applicant has preferred this bail application under
Section 439 of CrPC, as she is arrested in connection with
Crime No.162/2020, registered at Police Station Pali, District
Korba (CG), for the offence punishable under Sections 302,
201, 120B, 34 of the Indian Penal Code.
3. As per the prosecution case Kavita Bai, wife of Dhan Singh

Yadav (since deceased) lodged merger intimation on 10-7-2020, regarding death of her husband. In the postmortem report, the deceased was found to have died due to asphyxia as a result of strangulation. Death was homicidal in nature. During investigation it was found that co-accused Gulab Singh, and his wife-Laxmin Bai (applicant herein) and third accused Urmila Bai Kanwar called the deceased to their house by calling him over his mobile number from the mobile number of accused Urmila Bai. As per the plan, the deceased was allured to have physical relation with the applicant Laxmin Bai and during this act Urmila Bai & Gulab Singh strangled him whereas the present applicant allegedly pressed the penis of the deceased. After his death, the dead body was dragged to a distance and hanged over a tree. The deceased had left the house at about 4.00 pm on 9-7-2020. Till 7.30 pm, the deceased was in the house of his brother Maha Singh, but thereafter, his mobile was showing switched off and later on his dead body was seen by one Lagni Bai.

4. Learned counsel for the applicant would submit that there is no eyewitness to the crime and the applicant being a lady, aged about 45 years, she is entitled to be released on bail.
5. Learned counsel for the State, *per contra*, would oppose the bail application.
6. Admittedly, there is no eyewitness to the crime. Witness Maha Singh says that the deceased left his house at about

7.30 pm on 9-7-2020. After this time the deceased did not return to house nor was seen in the company of accused persons. Thus, there is no evidence of last seen together or extra judicial confession. From the statements of witnesses, it appears there was extra marital affair between the wife of the deceased and the accused Gulab Singh (husband of the applicant herein) and also between the deceased and the present applicant. It is reflected from the statement of Kavita Bai that the accused Gulab Singh was also entangled with the co-accused Urmila, wife of Babu Singh. Case of the prosecution is based on circumstantial evidence, therefore, the applicant being a lady, aged about 45 years; charge sheet having been filed; and also looking to the fact that she is in detention since 11-7-2020, this Court is inclined to grant bail to the applicant.

7. Accordingly, the application is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given by the said Court.

SD/-
(Prashant Kumar Mishra)
Judge