

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8285 of 2021

- Savita Yadav W/o Awadesh Yadav Aged About 24 Years R/o Village Hardi Bahra, Police Chouki Balangi, Thana Raghunathnagar, District-Balrampur-Ramanujgan, Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through- Police Chouki Balangi, Thana Raghunathnagar, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Shri AK Yadav, Advocate
For Respondent/State : Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

10.12.2021

1. Applicant has preferred this application under Section 439 of CrPC for grant of regular bail as she was arrested in connection with Crime No.46 of 2021 registered at Police Station Raghunathnagar, District-Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 302, 120B, 201, and 34 of the IPC.

2. Case of the prosecution, in brief, is that, Gulabsiya went to weekly market on 28.03.2021 did not return to her house till night. Sunil Kumar, son of Gulabsiya came to his house and asked his mother. His wife informed the fact and thereafter, Sunil Kumar went in search of his mother towards weekly market. On the way, he found blood on road and following the blood stains, he reached to body of his mother-Gulabsiya lying under a tree. On the next day incident was reported to concerned Police Station, based upon which aforementioned crime was registered against unknown person. During the course of investigation, Police recorded statement of

one Sunil Yadav, s/o Lalchand Yadav, who stated that co-accused Abhishek came to him and made confessional statement that he had done the work, ie he has killed Gulabsiya. He also informed that applicant has informed him that deceased went to weekly market alone. Based on the statement of Sunil Yadav, applicant was arrested in the instant crime.

3. Shri AK Yadav, learned counsel for the applicant submits that applicant is in no manner involved in crime as alleged. Even if entire prosecution case is taken as it is, only allegation against applicant is under Section 120B of the IPC and there is no direct involvement of applicant. Applicant is in jail since 23.09.2021, hence, she may be released on bail.

4. Shri BP Banjare, learned State counsel opposing the submissions of learned counsel for the applicant, submits that co-accused Abhishek Yadav had illicit relationship with present applicant, to which deceased was witness. There was a quarrel between applicant and deceased prior to the incident. Applicant threatened that she will kill her. Co-accused Abhishek Yadav also made confessional statement before Sunil Yadav, who is one of the villager. Hence, there is *prima-facie* involvement of applicant in the crime.

5. I have heard learned counsel for the parties.

6. Taking into consideration facts and circumstances of the case, nature of allegations against applicant, statement of Sunil Yadav, before whom co-accused Abhishek Yadav made confessional statement that he

committed murder of deceased, I do not find it to be a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma