

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8925 of 2021**

Sulekha Sonkar W/o Late Firanta Sonkar Aged About 40 Years
R/o Chhobebandha, Police Station - Rajim, District Gariyaband
(Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police
Station - Rajim, District Gariyaband (Chhattisgarh)

---- Respondent

For Applicant - Shri Pushpendra Kumar Patel, Advocate.
For Respondent/State - Shri Gagan Tiwari, Dy. Government Advocate.

Hon'ble Justice Shri N.K. Chandravanshi**Order on Board****06-12-2021**

1. Heard.
2. The applicant has preferred the **third bail application** under Section 439 of the Cr.P.C. for grant of regular bail, as she has been arrested on 13-08-2020 in connection with Crime No.65/2020, registered at Police Station Rajim, District – Gariyaband (C.G.) for the offence punishable under Section 302 of the Indian Penal Code.
3. The first bail application filed by the applicant bearing MCRC No.7541/2020 was dismissed as withdrawn by the coordinate Bench vide order dated 11-12-2020 with liberty to move after examination of the material witnesses. Her second bail application bearing MCRC No.8563/2021 was also dismissed as withdrawn with liberty to file a fresh bail application vide order dated 01-11-2021. Hence, this third bail application.

4. Brief facts of the case are that the applicant was wife of Firanta Sonkar (since deceased). On 13-11-2019 at about 8 to 8:30 pm, body of deceased was found in heavily burnt condition. He was taken to Community Health Center, Rajim, thereafter, he was referred to D.K.S. hospital, Raipur, where next day i.e. 14-11-2019 at about 05:20 p.m., he succumbed to his burn injuries. Based on above facts, present crime has been registered at Police Station Rajim, Gariyaband, under Section 302 of the Indian Penal Code against the applicant and after investigation, charge sheet has been filed for the aforesaid offence against the applicant.
5. Learned counsel for the applicant submits that the applicant is innocent. She has been falsely implicated in the present case. She has not committed alleged murder of her deceased husband. Even at the time of alleged incident, she was not present at the spot. He further submits that the Police have recorded false statement of witnesses under Section 161 of the Cr.P.C. He next submits that there is no eye witness in the case. Three material witnesses have been examined before the Court but they have not supported the case of the prosecution in their deposition. The applicant is a lady aged about 40 years. She is in jail since 13-08-2020. She is having one daughter as well. No one is there except her to look after her daughter. Final conclusion of trial is likely to take considerable time. Hence, she may be enlarged on bail.
6. Learned State counsel controverted the submissions made by counsel for the applicant stating that the applicant has filed photo copy of certified copy of deposition of three witnesses but Pushpa Sonkar who has been examined as PW-1 in the Court and who is a daughter of deceased, has supported the case of the prosecution and strongly stated that the alleged crime has been committed by the applicant. Hence, the applicant may not be enlarged on bail.

7. Considering the facts and circumstances of the case, nature and gravity of the offence, material available against the applicant in the case diary/charge sheet and also taking into consideration the deposition of Pushpa Sonkar (PW-1), I do not feel inclined to grant bail to the applicant. Hence, this third bail application filed by the applicant is dismissed.

SD/-

(N.K. Chandravanshi)
Judge

Pathak