

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr. C. No. 1980 OF 2015**

Savita Sav D/o Late Kirten Sao ged about 35 year R/o Magarpara, P.S. Civil Line Dist. Bilaspur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through P.S. Civil Line Dist. Bilaspur (C.G.)

---Non-applicant

And**M.Cr.C. No. 2398 OF 2015**

Santosh Sav S/o Krishna Sav, ged about 35 year, R/o Magarpara Marargali, P.S. Civil Line Dist. Bilaspur (C.G.)

---Applicant

Versus

State of Chhattisgarh Through P.S. Civil Line Dist. Bilaspur (C.G.)

---Non-applicant

For Applicants : Mr. Amit Kumar, Advocate
For Non-applicant : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**06/07/2015**

1. Above mentioned two bail applications arise out of a common Crime No. 298/2001, registered at Police Station Civil Line, District Bilaspur (C.G.), for the offence punishable under Sections 302/34, 307/34 of I.P.C., therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the Cr.P.C.

2. It is case of the prosecution that present applicants along with four other co-accused persons stood facing trial for the aforesaid offences. By

order dated 05/07/2003, all were acquitted by the Fifth Additional Session Judge, Bilaspur in Session Trial No.313/2001. The judgment of acquittal was set aside by this Court in Criminal Revision No.358/2003 on 27/01/2015.

3. Learned counsel appearing for the applicants would submit that all four accused persons were released on bail vide order dated 08/04/2015 by Fifth Additional Session Judge, Bilaspur. He would further submit that applicant-Savita Sav was on bail during trial but she was arrested at the time of judgment as she could not appear on due date of hearing. He would also submit that since the order of acquittal has been set aside and they are facing trial and completion of trial may take time, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of regular bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the material collected by the prosecution against applicant-Santosh Sav, this Court is not inclined to release the applicant-Santosh Sav on regular bail. Consequently, bail application (M.Cr.C. No.2398/2015) filed on behalf of the applicant-Santosh Sav is rejected.

7. So far as the bail application filed on behalf of the applicant-Savita Sav is concerned, considering the fact that applicant is woman and was on bail during trial and material available against her, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application (M.Cr.C. No.1980/2015) filed under Section 439 of the Code of Criminal Procedure on behalf of applicant-Savita Sav is allowed.

9. It is directed that applicant shall be released on bail on her furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari