

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3358 of 2018**

1. Jagsai, S/o Late Ramlal, aged about 47 years.

2. Mangli, Wd/o Late Ramlal, aged about 67 years.

Both R/o village Paradol, Police Station Jhagrakhand, Tahsil Manendragarh,
District Koriya (C.G.)**---- Applicants****Versus**State of Chhattisgarh, Through: Police Station – Jhagrakhand, District Koriya
(C.G.)**----Non-applicant**

For Applicants	:	Mr. Adil Minhaj, Advocate.
For Non-applicant	:	Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/07/2018**

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 40/2016 registered at Police Station Jhagrakhand, District Koriya (C.G.) for the offence punishable under Section 109 read with Section 302 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that one co-accused – Bhola Nath Singh caused murder of his wife Smt. Arti and the present applicants instigated co-accused Bhola Nath Singh to cause death of Smt. Arti and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that 16 prosecution witnesses have been examined and there is no iota of evidence in respect of involvement of the present applicants in the crime in question. He submits that the applicant No.1 is in jail since 23.02.2016 *whereas* applicant No. 2 is in jail since 24.02.2016, and the charge sheet is yet to be filed but substantial investigation has already been made and no useful purpose would be served in keeping them in jail and therefore, they may be released on bail.

(4) On the other hand, learned counsel for the State, opposes the bail application.

(5) Taking into consideration the nature and the gravity of the offences and considering the fact that there is no allegation of murder against the present applicants and the allegation of causing murder is against co-accused Bhola Nath Singh; further considering their pre trial detention; and the charge sheet is yet to be filed but substantial investigation has already been made; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

