

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 121 of 2020**

1. Radheshyam Sen, S/o. Ramgopal Sen, Aged About 52 Years, R/o- Village- Sidhouri, Police Station & Tahsil Rajim District- Gariyaband Chhattisgarh.
2. Smt. Santoshi Sen, W/o Late Rupesh Sen, Aged About 33 Years, R/o- Village Potiyadih, Police Station- Arjuni, District- Dhamtari Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- City Kotwali, Dhamtari, District- Dhamtari Chhattisgarh.

---- Respondent

For Applicants	: Mr. Shivendu Pandya, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.03.2020**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 488/2019 registered at Police Station- City Kotwali, Dhamtari, District- Dhamtari (C.G.) for the offence punishable under Sections 302, 307, 120(B)/34 of I.P.C.
2. The prosecution story, in brief is that, on 04.11.2019 complainant Ramgopal Sen lodged a report stating that applicant namely Santoshi Sen made a conspiracy of murder of deceased for which she gave Rs. 7 lacs to Vijay sen. On 03.11.2019 at about 8:00 PM, Vijay Sen assaulted the deceased and as a result of which deceased died in the hospital. Thereafter, offence has been registered against the present applicants.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question.

He further submits that except the memorandum of accused persons nothing has been seized against them. The applicants are in jail since 19.11.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that except the memorandum of accused persons nothing has been seized against the present applicants. The applicants are in jail since 19.11.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- each, with one local 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.

**Sd/-
(Rajani Dubey)
Judge**