

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5279 of 2020**

- Nivedita @ Sanjeeta Sahu wife of Sanjeet Sahu, aged about 34 years, Caste Gudiya, resident of village Kasalba, Police Station & Tahsil Saraipali, Mahasamund (C.G.)

---- Petitioner**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Saraipali, District Mahasamund (C.G.).

---- Respondent

For Applicant	:	Shri Yogeshwar Sharma, Adv.
For Respondent	:	Ms. Sunita Jain, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/09/2020**

1. The applicant had preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as she is arrested in connection with Crime No.123/2020, registered at Police Station - Saraipali, District Mahasamund (C.G.) for the offence punishable under Sections 302, 201 and 34 IPC.
2. The prosecution story, in brief, is that deceased Sanjay Sahu was missing since 13.04.2020 and on 15.04.2020 his dead body was found in the field of one Tikaram. During merged investigation, the memorandum statement of co-accused Sanjeet Sahu was recorded, in which he stated that on the date of incident, the deceased was talking with his wife Nivedita @ Sanjeeta Sahu, the present applicant, and therefore, in a sudden provocation and on suspicion of having illicit relationship with the deceased, co-accused Sanjeet Sahu assaulted him with spade resulting into his death and with the help of present applicant the dead body of deceased was thrown in the field. Based on this, the offence has been registered. The present applicant has been taken into

custody on 16.04.2020.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that only on the basis of memorandum statement of co-accused Sanjeet Sahu, the present applicant has been arrested. He also submits that applicant is lady aged 34 year and the main allegation is against co-accused Sanjeet Sahu. It is also submitted that the applicant is in custody since 16.04.2020, charge sheet has been filed and there is no likelihood of her case being decided in near future. Therefore, she may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that in 161 CrPC statement of one Ganesh Rao Chouhan, the name of present applicant has been mentioned.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the main allegation is against co-accused Sanjeet Sahu, the preset applicant is in custody since 16.04.2020, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release her on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicants shall be released on bail on her executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for her appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge