

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7633 of 2019**

- Smt. Nitu Majhi W/o Sonu Majhi Aged About 28 Years, R/o Vasundhara Nagar, In Side Railway Line, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer Police, Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Mahendra Sisodiya, Adv.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing her on regular bail during trial in connection with Crime No. 552/2019 registered at Police Station-Civil Line District - Bilaspur (C.G.) for the offence punishable under Sections 294, 506, 302/34 of the IPC.
2. The prosecution story, is that shewing machine of the deceased kept in the house of the applicant, deceased went there and took the said machine from the house of the applicant, thereafter, present applicant along with his husband Sonu Majhi came to in-front of the deceased's office Nehru Nagar and abused the deceased for said machine, and husband of the applicant assaulted the deceased with hands and fists, due to this, deceased sustained grievous injury on head. Thereafter, the deceased admitted in hospital and during the treatment he has died. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the main allegation is against the husband of the applicant Sonu Majhi and there is no evidence against the applicant in *Molahja* report. The applicant is in jail since 24.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant 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, detention period of applicant and further considering the facts that the main allegation is against the applicant's husband Sonu Majhi. The applicant is in jail since 24.08.2019 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 applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on her executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. She is directed to appear before the trial Court on each and every date given to her by the said Court.

Sd/-
(Rajani Dubey)
Judge