

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8103 of 2019**

- Smt. Dayamuni W/o Shri Birbal Uraon Aged About 46 Years R/o Jigadhi, Police Station Pasta, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Pasta, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri Neeraj Kumar Mehta, Advocate.
For Respondent/State : Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/01/2020**

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as she is arrested in connection with crime No. 34/2018, registered at Police Station – Pasta, District – Balrampur-Ramanujganj, (C.G.) for the offence punishable under Section 302, 34 of the Indian Penal Code.
2. First bail application of the applicant was earlier dismissed as withdrawn with liberty to file afresh after examination of the eye-witnesses namely Amresh Yadav, before the trial Court vide order dated 28.02.2019 passed in MCRC No. 9042/2018.
3. As per the prosecution story, on 01.07.2018 complainant Dhaneshwar Nayak lodged a report before concerned police station to the effect that present applicant alongwith other co-accused persons went to the agricultural field and, allegedly, all the accused persons committed murder of one Lomaru Ram due to land dispute. On the basis of the said, offence has been registered and applicant has been taken into custody on 02.07.2018.
4. Learned Counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the case due to some dispute with the family members of the deceased. Statement of one eye-witness namely Amresh Yadav has been recorded before the trial Court and referring to his statement, learned Counsel submits that deceased was assaulted by co-accused persons namely Brajdev, Janki and Birbal with axe and spade. The said witness has not stated anything against present applicant. Applicant was only present at the spot and the alleged act has not been done by her. It is further submitted that no seizure or recovery has been made from applicant. There is no any evidence or material available against present applicant. Applicant is in custody since 02.07.2018 and trial is likely to take some time. Therefore, it is prayed that applicant may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, the evidence collected by the prosecution, applicant is in custody since 02.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge