

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6093 of 2016

Lalit Kumar, S/o. Omprakash Chandra, Aged About 24 Years, R/o. Village Kataud, Police Station Dabhra, Civil & Revenue District - Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Dabhra, District Janjgir – Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Tripathi, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.10.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.117/2015 registered at Police Station- Dabhra, District Janjgir-Champa (C.G.) for the offence punishable under Section 304-B, 201/34 of Indian Penal Code. The first bail application was dismissed on merit on 18.11.2015 in MCRC No.5971 of 2015.
2. As per the prosecution case, the deceased Smt. Shakuntala Chandra was wife of the applicant and her marriage was performed 4-5 years before and she died on 24.05.2014. The death was caused due to consumption of poison. Morgue intimation was made on 25.05.2014 and thereafter, the postmortem was carried and matter was investigated and the case was registered under Section 304-B, 201/34 of I.P.C.
3. Learned counsel for the applicant would submit that in this case already eight witnesses have been examined out of 15 enlisted

witnesses, the charge sheet has been filed and the applicant is in jail since 07.05.2015, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, it will not be proper for this Court to evaluate the entire case on merit so as to takeover the jurisdiction of the trial Court while deciding the bail application, therefore, I am not inclined to entertain this bail application.
6. Accordingly, the instant second bail application is dismissed. However, the Trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge