

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2856 of 2017

Bharat Bhushan Sinha, S/o. Shri Budhram Sinha, Aged About 24 Years,
R/o. Village Khairjhiti, Police Station Ghumka, District Rajanandgaon,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Rajnandgaon, District
Rajanandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. N.L.Soni with Mr. Nalin Soni, Advocates

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.05.2017

1. This is the third 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. 19/2016 registered at Police Station- Ghumka, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 304-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 29.01.2016, Tukeshwari Sinha sustained severe burn injury and she died on 02.02.2016. The prosecution case is that before the incident, the deceased was subjected to torture for demand of dowry and the applicant used to demand Rs.10,000/- and other household goods, therefore, she died in an unnatural circumstance.
3. Learned counsel for the applicant would submit that the first bail application was dismissed on merit on 22.07.2016 and the subsequent bail application was dismissed as withdrawn on

29.11.2016 with a direction to expedite the trial. He further submits that the trial has not been concluded and till date five witnesses are remaining to be examined and it is not concluded despite the direction of the Court, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the earlier dismissal order dated 22.07.2016. The order sheet of the trial Court would show that 15 witnesses have already been examined and 6-8 witnesses appears to be remaining. Taking into fact that most of the witnesses have been examined and the trial appears to be at the fag end, I do not find any change of circumstances to reconsider the instant third bail application.
6. Accordingly, the third bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge