

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4444 of 2017

Netram Mali @ Ankur S/o Bharat Mali, Aged About 26 Years R/o
Village Baghanpur, Police Station Baramkela, District Raigarh
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Baramkela District Raigarh Chhattisgarh

---- Respondent

For applicant - Smt. Indira Tripathi, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/07/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 29/11/2016 vide M.Cr.C. No.7554 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.39/2016 registered in Police Station Baramkela, Distt. Raigarh (C.G.) for offence punishable under sections 304-B, 34 of Indian Penal Code.
3. As per the prosecution case, the applicant was married to deceased Savitri Patel in the year 2013. Subsequently, she was subjected to torture for demand of dowry. Subsequently, she died by burn and unnatural death within 7 years of marriage.
4. Learned counsel for the applicant submits that the applicant is in jail since 2/05/2016 and only 19 witnesses have been examined out of 35 witnesses. Trial will take some time, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.
6. Earlier bail order would show that bail was dismissed simplicitor without any liberty to repeat the bail application. Learned counsel would refer to statement of the witnesses filed along with the bail application. Reading statement and evaluating the same on merits would amount to adjudicate the case on merits. Considering the fact that bail was dismissed as withdrawn and while hearing the bail considering the statement of 17 witnesses would amount to adjudication of the trial, therefore I am not inclined to entertain this second bail application.
7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE