

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7367 of 2017

1. Kamlesh, S/o. Bhagat Ram Markande, Aged About 35 Years.
2. Jageshwar, S/o. Bhagat Ram Markande, Aged About 28 Years.
Both R/o. Katulboard, Police Station- Mohan Nagar, Tahsil & District Durg,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Durg, Police Station
Mohan Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Sharma, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.12.2017

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.136/2016 registered at Police Station- Mohan Nagar, Distt. Durg (C.G.) for the offence punishable under Sections 302, 498-A, 307, 34 of Indian Penal Code. The first bail application was dismissed on merit on 08.08.2016 in MCRC No.4186 of 2016 and second bail application was dismissed as withdrawn on 03.03.2017 in MCRC No.1590 of 2017.
2. As per the prosecution case, deceased Premshila Bai was subjected to torture for various reasons and on 17.03.2016 she was set on fire by applicant No.3 Devendra, the husband alongwith her brothers-in-law Kamlesh and Jageshwar, applicants herein; thereby the offence was committed.

3. Learned counsel for the applicants submits that the first bail application was dismissed on 08.08.2016 and second bail application was dismissed for want of prosecution on 03.03.2017 and thereafter the change of circumstances is that one Sukhwanti Bai has been enlarged on bail by the Supreme Court in S.L.P. No.8421/2016 on 25.11.2016 and one Sunita Bai, who is sister-in-law, has been enlarged on bail by this Court on 13.06.2016 and Bhagat Ram Markandey, who is father-in-law, has been released on bail by this Court on 03.01.2017. He referred to certain documents filed along-with this bail application and would submit that the deceased had suicidal tendency for which different reports were made and these are the change of circumstances; therefore, the applicants who are brother-in-law may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the dying declaration. No specific allegations have been made in the dying declaration against the other persons who were granted bail, as such, the case would not fall under the parity to enlarge the present applicants on bail, as there is no change of circumstances appears to reconsider the instant third bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge