

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6343 of 2018

Smt. Laxmin Bai W/o Babulal Aged About 57 Years Caste- Chandra,
R/o- Village And Post Akalsara, Police Station- Baradwar, Civil &
Revenue District- Janjgir-Champa, Chhattisgarh. --- **Applicant**

Versus

State of Chhattisgarh through- District Magistrate, Janjgir, Civil &
Revenue District- Janjgir-Champa, Chhattisgarh. ---- **Respondent**

For the applicant	:	Mr. Ramesh Nayak, Advocate.
For the Respondent	:	Mr. Sangharsh Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.09.2018

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 324/2016 registered at Police Station Baradwar, Distt. Janjgir Champa (C.G) for the offences punishable under Sections 302 & 498 of IPC.
2. The first bail application was dismissed on 28.02.2017 and the second bail application was dismissed on 09.11.2017.
3. As per the prosecution case, deceased Khageshwari Bai was married to Malik Ram, son of the applicant. It is alleged that the applicant and other accused demanded dowry and subjected the deceased to torture. It was reported by the present applicant and her husband that Khageshwari Bai is not well and thereafter when she was taken to hospital, she was declared dead. In MLC, it was stated that she was subjected to strangulation. It is alleged that the applicant who was mother-in-law along-with her husband and son have

strangled the deceased on 28.10.2016, thereby the offence has been committed.

4. Learned counsel for the applicant submits that as many as 14 witnesses have been examined and still the trial is going on and no allegations have been attributed to the present applicant. He further submits few of the witnesses though have been examined, but they have not supported the case of prosecution. He submits that the applicant is a lady of aged about 57 years and she is in jail since 30.10.2016, therefore, she may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail application.
6. Perused the earlier rejection order which was dismissed on merits.
7. It would not be appropriate for this Court to evaluate few statements of witnesses to reconsider the bail at this stage as it would amount to usurping the power of the trial Court and it is for the trial Court to give a finding on merits after assessing the facts and evidence as a whole. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.
8. However, the trial Court is requested to expedite the trial.

**Sd/-
GOUTAM BHADURI
JUDGE**