

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2578 of 2019**

Tuleshwar Singh, aged about 62 years, S/o Shri Krishna Lal Singh, R/o Village Pacheda, P.S. and Tahsil Janjgir, District Janjgir Champa, present address Balco, Korba, P.S. Korba, District Korba (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Janjgir, District Janjgir Champa (CG). **---- Non-applicant**

For Applicant	: Mr. Ashutosh Trivedi, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

02.05.2019

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.267/2018 registered at Police Station Janjgir, District Janjgir Champa for the offence punishable under Sections 302, 304(B)/34 of Indian Penal Code.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 30.08.2018 passed in M.Cr.C. No.5692/2018.
4. Case of the prosecution, in brief, is that marriage of deceased Smriti @ Nidhi was solemnized with Giteshwar Singh on 13.07.2016. She was resident of village Chandniyapara, Janjgir. Applicant is her father-in-law. The father-in-law, mother-in-law and husband were harassing her on account of demand of dowry. On 25.04.2018 she died due to burn injury. The doctor has opined that the death may be homicidal in nature.
5. Counsel for the applicant submitted that numbers of prosecution witnesses have been examined before the trial Court, applicant is in jail since 04.05.2018, he is aged about 62 years old and suffering from many diseases and as such he may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
7. Counsel for the applicant, in support of his case, he drew my attention on para 7 of certified copy of statement of Kumari Sneha Singh (P.W.-5), who is the sister of deceased, which is a part of bail application.
8. P.W.-1 Manju Singh, who is the mother of deceased stated against the applicant and co-accused.
9. This is well settled legal position that while dealing with the bail application, this Court neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.
10. Looking to above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail in the second round of litigation. Consequently, the second bail application is rejected. However, the trial Court is directed to expedite the trial and conclude the case as early as possible from the date of receipt of certified copy of this order.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE