

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5425 of 2019**

1. Smt. Vrindawati D/o Dolamani Aged About 62 Years R/o Village Patapara, P.S. Saraipali, District- Mahasamund, Chhattisgarh
2. Dolamani Deewan S/o Pauran Singh Deewan Aged About 64 Years R/o Village Patapara, P.S. Saraipali, District- Mahasamund, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Saraipali, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Vikash Pradhan, Advocate
For State	:	Shri Aditya Bharadwaj, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****02/12/2019**

This is second bail application. First bail application was dismissed as withdrawn.

1. The applicants have been arrested in connection with Crime No.231/2017 registered at Police Station – Saraipali, District - Mahasamund (CG) for alleged commission of offences under Section 304-B/34, 306 of IPC.
2. Prosecution case is that the deceased daughter-in-law of the applicants consumed poison and according to the prosecution, soon before her death, she was subjected to cruelty in connection with demand of dowry.
3. Learned counsel for the applicants would argue that even after lapse of two years, since the date, the applicants were arrested and in jail, undergoing trial, trial has neither been concluded nor is likely to conclude in near future. He would further argue that by now only 6 witnesses have been examined and the allegations contained in the evidence are omnibus in nature. It is next submitted that applicant No.1 – mother-in-law is aged 62 years and applicant No.2 – father-in-law is aged 64

years. It is also submitted that presently, most of the material witnesses, including the mother, father, brother and cousins have already been examined and the applicants are in no position to tamper with the prosecution witnesses nor likely to abscond. Therefore, at this stage, they may be granted bail on appropriate conditions.

4. Prayer for grant of bail is opposed by learned State counsel mainly on the ground that the applicants are alleged to have been committed offence under Section 304-B IPC which is a serious offence. It is argued that presently, trial is going on and many important witnesses are yet to be examined and if they are released on bail, they may flee away from justice.

5. I have heard learned counsel for the parties

The applicants are in jail since 10/11/2017. Till date, trial has not been concluded, though more than two years have elapsed. Out of 18, only 6 witnesses have so far been examined by the prosecution. This shows that the trial is not likely to be concluded early. The applicants are more than 60 years of age. Further, this Court finds that most material witnesses namely, mother, father, brother and cousins have already been examined by the Trial Court. Further, there is no material placed before this Court by learned State counsel to indicate that in the event of grant of bail, the applicants may either tamper with the prosecution witnesses or flee away from justice.

Therefore, taking into consideration the conspectus of material obtaining on record, particularly, delay in trial, examination of material witnesses and age of the applicants, this Court is inclined to grant bail to the applicants.

6. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

It is made clear that any attempt made to tamper with the witnesses may render the bail liable to be cancelled.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge