

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6194 of 2019**

Smt. Geeta Devi Bhadauriya, wife of Ramkaran Singh, aged about 45 years,
Resident of Tongpal, Police Station Tongpal, District Sukma (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Tongpal,
District Sukma (CG).

---- Non-applicant

For Applicant	: Mr. Atul Kumar Kesharwani, Advocate
For Non-applicant	: Mr. D.K. Tiwari, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.12.2019

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.21/2017 registered in Police Station Tongpal, District Sukma (CG) for the offence punishable under Section 304-B/34 of Indian Penal Code.
3. The second bail application of the applicant was rejected on merits by this Court vide order dated 14.02.2019 passed in M.Cr.C. No.657/2019 considering prima facie case against him.
4. Case of the prosecution, in brief, is that the name of deceased is Smt. Smriti Bhadauriya. Applicant is her mother-in-law. The marriage of deceased was solemnized with co-accused Rahul Bhadauriya on 04.03.2014. After the marriage, the applicant and co-accused were harassing deceased on account of demand of cash. Deceased consumed some poisonous substance as a result of which she died on 18.09.2017 in Maharani Hospital, Jagdalpur.
5. Counsel for the applicant submitted that six prosecution witnesses

have already been examined before the trial Court, who turned hostile. In support of case, he drew my attention on para No.2 of certified copy of statement of Dr. Neeraj Pekra (P.W.-2), para Nos.2 & 5 of certified copy of statement of Amar Bahadur Singh (P.W. 5) and para No.5 of certified copy of statement of Smt. Rupeshwari Khande (P.W.6). He further submitted that grand-daughter of the applicant is also in jail along with her, hence the applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant as per police case diary.

7. Earlier while rejecting the first bail application of the applicant, this Court has already considered the aforesaid statements of Dr. Neeraj Pekra (P.W.2) and Smt. Rupeshwari Khande (P.W.6) and also this aspect that her grand-daughter is also in jail along with her.

8. In the cash in hand, Raman Singh, who is the brother of the deceased is to be examined before the trial Court, who has stated against the applicant in his statement recorded under Section 161 of Cr.P.C.

9. Considering the totality of the facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in the second round of litigation. Consequently, her second bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible preferably within a period of three months from the date of receipt of certified copy of this order.

10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE