

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7548 of 2019**

- Urmila Bai W/o Shri Ranbir Kashyap Aged About 50 Years R/o Pauna Police Station - Mulmula, Tahsil Janjgir, District - Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - Police Station - Mulmula, District - Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant : Shri Hanuman Prasad Agrawal, Advocate.
 For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

04.12.2019

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 27.03.2019 in MCRC No. 1655 of 2019 considering the prima facie case against the applicant and the second bail application of the applicant has been rejected by this Court on 29.08.2019 in MCRC No. 5187 of 2019 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 24/2019 registered at Police Station – Mulmula, District – Janjgir Champa (C.G.) for the offence punishable under Section 304-B of the Indian Penal Code.
4. Case of the prosecution, in brief is that the name of the deceased is Madhu Kashyap. Applicant is her mother in law. The marriage of the deceased was solemnized with coaccused Radheshyam 1½ years prior to the incident. After the marriage applicant, coaccused Ranvir and Radheshyam were harrasing her on account of demand of motorcycle. Applicant was abusing and beating her. She consumed poison and consequently died on 04.11.2018.
5. Counsel for the applicant argued that the presence of the applicant is not established by the prosecution. He drew my attention on para Nos. 8 and 13 of

the photocopy of the statement of P.W.1 Santosh Kumar, para No. 9 of the photocopy of statement of P.W. 5 Moti Lal Kaushik, photocopy of the affidavit of Ramraj Kashyap and dying declaration of the deceased. He further submitted that applicant is in jail since long back, thus, she may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant in the case diary.
7. While dealing the first bail application this Court has considered the aspect of alleged dying declaration.
8. While dealing the second bail application this Court has also considered the detention period of the accused and delay in trial.
9. This is well settled legal position that while dealing the bail application Court neither can scrutinize the evidence nor appreciate the same. This is also well settled legal position that Court cannot touch the merits and demerits of the case.
10. In the case in hand, P.W.9 Santosh Kumar has stated against the applicant in para 2 during the examination in chief.
11. Moreover, in the case in hand some other witnesses are to be examined by the trial Court who had stated against the applicant in their statements recorded under Section 161 Cr.P.C.
12. Looking to the above mentioned facts and circumstances of the case, looking to the gravity of the offence, looking to the seriousness of the offence, looking to the impact of granting bail on society, this Court is not inclined to release the applicant in third round of litigation, consequently, the third bail application is rejected.
13. However, the trial Court is directed to expedite the trial and dispose off the case as early as possible.
14. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE