

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9484 of 2018**

Ismile Ansari S/o Kasim Ansari Aged About 22 Years R/o Mominpur,
Ambikapur, Police Station Ambikapur, District : Surguja (Ambikapur),
Chhattisgarh **--- Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Kotwali Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For the applicant	:	Mr. Shakti Raj Sinha, Advocate.
For the Respondent	:	Mr. Ravi Bhagat, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****10.01.2019**

1. This is second 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. 793/2016 registered at Police Station Police Station Kotwali, Ambikapur Distt. Sarguja (C.G) for the offences punishable under Section 304-B/34 of IPC.
2. The first bail application was dismissed on 16.03.2017.
3. As per the prosecution case, one Salma @ Sloniya was married to the present applicant on 01.05.2014 and she committed suicide by hanging on 04.10.2016. It is alleged that she died unnatural death within seven years of her marriage as she was subjected to torture for demand of dowry. The allegation against the applicant and other accused is that Rs.5 lakhs and other items were demanded from the victim thereby the aforesaid offence was committed.

4. Learned counsel for the applicant submits that till date the prosecution is not able to complete the evidence, therefore, there is considerable delay in trial. He submits that only three witnesses have been examined and other witnesses are not turning up for some reason or the other. He further submits that the applicant is in jail since 11.11.2016 and looking to the delay in trial, the applicant may be enlarged on bail.
 5. Per contra, learned State Counsel opposes the bail application. .
 6. Perused the order sheet of the court below. It appears that the prosecution witnesses are not turning up and one of the prosecution witnesses i.e., P.W.3 has not supported the case of prosecution.
 7. Considering the delay in trial as also the fact that the applicant is in jail since 11.11.2016, without any observation on merits of the case, I am inclined to allow this bail application.
 8. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**