

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1129 of 2020**

1. Shushila Bai W/o Sukdev Tandon Aged About 50 Years,
2. Bhago Bai W/o Guha Ram Aged About 54 Years,

Both are Resident Of Village Mulmula , Police Station Mulmula, Tahsil Pamgarh, District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

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

---- Respondent

For the Applicants	:	Shri Sumit Singh, Advocate
For the State	:	Shri Ravi Maheshwari, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**12/03/2020**

1. This is the third bail application under Section 439 of the CrPC. Earlier first bail application was rejected by this Court vide order dated 25/02/2019 passed in MCRC No. 897/2019 considering *prima facie* case against them. Second bail application was rejected by this Court vide order dated 19/09/2019 passed in MCRC No. 5620/2019 considering *prima facie* case against them.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.170/2018 registered at Police Station Mulmula, District Janjgir-Champa (C.G.) for the offence punishable under Sections 304-B/34 of IPC.
3. Case of the prosecution, in brief is that the marriage of deceased namely Seema Tandon was solemnized with co-accused Nitesh Kumar Tandon 05 years ago on 25.04.2012. Applicant No. 1 was her mother in law and applicant No. 2 was her maternal aunt. After the marriage the applicants and co-accused Nitesh Kumar Tandon were harassing her on account of brining insufficient dowry and demanded cash as dowry. On 02.10.2018 the deceased committed suicide by hanging herself.

4. Counsel for the applicants submitted that applicants are in jail since 23/11/2018, some prosecution witnesses have turned hostile. He further submitted that co-accused Sukhdev has been released on bail by co-ordinate Bench of this Court on 14/01/2020. He drew my attention on Annexure-A/5 which is part of the bail application.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents has been reported against the applicants in the police case diary.
6. This is well settled legal position that detention period of the accused and delay in trial are material factors for disposal of the bail application filed by the accused. But equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more important and material factors for disposal of the bail application filed by the accused.
7. Mere turning hostile of some witnesses is itself not a ground to enlarge the accused on bail.
8. In the case in hand earlier on 25/02/2019 and 19/09/2019 this Court has rejected the bail applications of applicants considering *prima facie* case against them. Thereafter on 14/01/2020 co-ordinate Bench of this Court enlarged the co-accused Sukhdev on bail. It does not transpire from the order of the co-ordinate Bench that it had considered the aspect that earlier two bail applications of applicants have been rejected by this Court considering *prima facie* case against them. Hence, in the case in hand principle of parity is not applicable.
9. Looking to the above mentioned facts and circumstances of the case this Court finds that it is not a fit case where the applicants may be released on bail in third round of litigation. Consequently third bail application of the applicants is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge