

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1337 of 2020**

- Savitri Dewangan W/o Kairuram Aged About 52 Years R/o Masanki, Police Station Odagi , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Odagi, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Ms. Nand Kumari Kashyap, Advocate.

For Non-applicant : Shri S. Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.03.2020**

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 Earlier, the first bail application of the applicant was dismissed as withdrawn on 01.02.2019 in MCRC No. 327 of 2019 and the second bail application of the applicant has been rejected by this Court on 21.10.2019 in MCRC No. 6556 of 2019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. 51/2018 registered at Police Station – Odagi District – Surajpur (C.G.) for the offence punishable under Section 304(B) of the Indian Penal Code.
4. Case of the prosecution, in brief is that applicant is the mother in law of the deceased Rekha Dewangan. The marriage of the deceased was solemnized with Ram Kumar Dewangan in June, 2015. After the marriage

applicant was harassing the deceased. She was taunting that the deceased was pregnant by some other person. Deceased had told her parents that applicant had poured kerosene oil on her body and set her on fire. During the treatment she died on 05.06.2018. As per the alleged dying declaration of the deceased the quarrel took place between her and applicant.

5. Learned counsel for the applicant argued that son of the applicant has been examined in the trial Court, he turned hostile and did not support the prosecution case. He drew my attention on para 2, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of certified copy the statements of P.W.2 Ram Kumar Dewangan, thus he may be released on bail.

6. On the other hand, learned counsel for the non-applicant opposes the bail application, however submits that there is no antecedent against the applicant in the case diary.

7. Counsel for the non-applicant further submitted that P.W.2 Ram Kumar Dewangan turned hostile but other three witnesses namely P.W. 3 Sudama Prashad, P.W.5 Shyam Bai and P.W.6 Shankar Dewangan did not turn hostile and supported the prosecution case.

8. This is well settled legal position that while dealing the bail application Court can neither scrutinize the evidence nor appreciate the same. It is only the trial Court who can do so at the time of appreciation of the evidence. This is also settled legal position that while dealing with the bail application Court cannot touch the merits and demerits of the case.

9. Moreover, in the case in hand P.W.3 Sudama Prasad, P.W.5 Shyam Bai and P.W.6 Shankar Dewangan had stated against the applicant. Moreover, in the dying declaration it has been mentioned that a quarrel had happened between the applicant and the deceased.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail in third round of litigation.

11. Consequently, the present bail application is rejected.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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