

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2132 of 2020

- Ranbir S/o Ranchor Kashyap Aged About 55 Years R/o Pauna, P. S. Mulmula, Tahsil Janjgir, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

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

---- Non Applicant

MCRC No. 2154 of 2020

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

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Mulmula, District- Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

.....Non Applicant

For the Applicants	:	Mr. Hanuman Prasad Agrawal, Advocate
For Non Applicant/State	:	Mr. D. C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

04.09.2020

1. Since both the bail applications arose from same crime Number. These bail applications are being disposed off simultaneously.
2. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant Ranbir before this Court. No other bail application is pending before any other Court.
3. Earlier, the first bail application of the applicant Ranbir was rejected by this Court vide order dated 27.03.2019 passed in MCRC No.1655 of 2019 considering prima facie case against him.
4. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant Urmila Bai before this Court. No other bail application is

pending before any other Court.

5. Earlier, the first bail application of the applicant Urmila Bai was rejected by this Court vide order dated 27.03.2019 passed in MCRC No.1655 of 2019 considering prima facie case against her, her second bail application was also rejected by this Court vide order dated 29.08.2019 passed in MCRC No.5187 of 2019 considering prima facie case against her. Her third bail application was rejected by this Court vide order dated 04.12.2019 passed in MCRC No. 7548 of 2019 considering prima facie against her.
6. 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 Sections 304-B of IPC.
7. Case of the prosecution, in brief is that name of deceased is Madhu Kashyap, applicants are her father-in-law and mother-in-law respectively. The marriage of deceased was solemnized with co-accused Radheshyam one and half year prior to the incident. After the marriage applicants and co-accused Radheshyam were harassing her on account of demand of motorcycle. They were abusing and beating her. She consumed poison and consequently died on 04.11.2018.
8. Learned counsel for the applicants submits that FIR was registered after 95 days of death of deceased. Applicants are in jail since 08.12.2019. Trial is delayed. Applicants are not named in alleged dying declaration. He drew my attention on Paras 8, 11 and 14 of the photocopy of statement of P.W.1 Santosh Kumar, on photocopy of statement of P.W.3 Sumitra, Para 2 of photocopy of statement of P.W.5 Motilal which are the part of the bail application of applicant Ranbir.
9. On the other hand, learned counsel for the State opposes the bail applications, however, submits that there is no criminal antecedent against the applicants in the police case diary.
10. This is true that delay in trial and detention period of the accused are material factors for disposal of the bail applications 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 material and important factors for disposal of the bail applications filed by the accused.
11. Delay in FIR is not itself sufficient ground to enlarge the accused on bail.
12. This is also well settled legal position that while dealing the bail application Court neither can 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.

13. Looking to the present scenario, it cannot be held that trial Court is responsible for delay in trial.
14. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant Ranbir may be released on bail in second round of litigation and applicant Urmila Bai may be released on bail in fourth round of litigation.
15. Consequently, second bail application of applicant Ranbir and fourth bail application of applicant Urmila Bai are rejected. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible after resuming the regular work of the Court.

Sd/-

(Sharad Kumar Gupta)
Judge

Parul