

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2850 of 2020**

- Smt. Nalini Chouhan, W/o Hemlal Chouhan, Aged About 40 Years, R/o Village - Taulidhih, P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through- Station House Officer, P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Respondent**With****MCRC No. 3918 of 2020**

- Hemlal Chouhan, S/o Manaram, Aged About 44 Years, R/o Taulidhih, P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh, Through S.H.O., P.S.- Bilaigarh, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Shri Hemant Gupta, Adv.

For Respondent/State : Shri K.K. Singh, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.08.2020**

1. Heard on admission.
2. Admit.
3. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
4. The accused/applicants have moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 103/2019 registered at Police Station- Bilaigarh, District- Baloda-Bazar-Bhatapara, (C.G.) for the offence punishable under Section 302/34 of

I.P.C.

5. The first bail application of the applicant namely Smt. Nalini Chouhan, was dismissed as withdrawn with liberty to revive the same after filing of the charge-sheet on 30.07.2019 passed in MCRC No. 4234/2019 and the first bail application of the applicant namely Hemlal Chouhan, was dismissed on 10.01.2020 passed in MCRC No. 6253/2019.
6. The prosecution story, in brief is that, on 05.04.2019, deceased Bindu Chouhan had died due to burn injuries. Thereafter, on the basis of dying declaration of the deceased, after investigation, offence has been registered against the present applicants and they have been arrested.
7. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that in post-mortem report, the incidental death has been changed to homicidal death. The applicants are in jail since 30.05.2019, as there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
8. On the other hand, counsel for the State opposes the bail application submitting that deceased herself stated the name of the applicants in her dying declaration, therefore the present applicant may not be released on bail.
9. I have heard learned counsel for the parties and perused the record.
10. Considering the facts and circumstances of the case, especially nature and gravity of the case and particularly dying declaration of the deceased, at this stage, I am not inclined to release him on bail.
11. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.
12. It is directed that the trial Court shall conclude the trial as early as possible preferably within a period of six months.

Sd/-
(Rajani Dubey)
Judge