

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3810 of 2020**

- Tejendra Kumar Diwan, S/o Dolamani Diwan, Aged About 27 Years, R/o village Potapara, Thana & Tehsil - Saraipali, District- Mahasamund (C. G.).

---- Applicant**Versus**

- State of Chhattisgarh, Through- S.H.O., Police Station- Saraipali, District- Mahasamund (C. G.).

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Adv.
For Respondent/State	:	Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17.08.2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this **second bail application** under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 231/2017 registered at Police Station- Saraipali, District- Mahasamund (C.G.) for the offence punishable under Sections 304B/34, 498A/34 of IPC.
4. The first bail application of the applicant was dismissed as withdrawn vide order dated 14.02.2020 passed in MCRC No. 8499/2019 with a prayer for direction to the trial Court to conclude the trial as early as possible and also with liberty to renew his bail application in case the trial is not concluded within aforesaid period.

5. The prosecution story, in brief is that, it has been alleged that after marriage of the deceased, she was subjected to cruelty by her in-laws on account of demand of Rs. 30,000/- and due to harassment, on 06.07.2017, deceased committed suicide by consuming poison. Based on this, offence has been registered. Present applicant has been taken into custody on 28.11.2017.
6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that other co-accused have been granted bail in MCRC No. 5425/2019 vide order dated 02.12.2019. The applicant is in jail since 28.11.2017, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application submitting that the offence committed by the applicant is of serious in nature, so, it is not a fit case to release him on bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.
11. 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**