

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3753 of 2020**

- Lohra Ram S/o Shri Chutaru Korwa, Aged About 36 Years
R/o Bada Dhodhipara, Chowki Bariyo Police Station Rajpur,
District Balrampur - Ramanujganj Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh, Through The Station House
Officer, Police Station - Rajpur District - Balrampur -
Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Neeraj Kumar Mehta, Advocate
For Respondent-State	:	Ms. Fouzia Mirza, Addl. A.G.

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**17/08/2020**

1. Heard.
2. The applicant has preferred this third bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.29/2018 registered in Police Station Rajpur, Balrampur – Ramanujganj C.G. for the offence punishable under Section 302 of the I.P.C.
3. The first bail application bearing MCRC No.7732/2018 was dismissed as withdrawn by order dated 26.11.2018 with

liberty to repeat the same if the trial is not concluded within four months. Thereafter, the second bail application bearing MCRC No.3143/2019 was dismissed as withdrawn by order dated 02.07.2019 with the same liberty.

4. Case of the prosecution, in brief, is that applicant and his deceased wife Sanichari Bai have gone to the house of Nansai of village Bheski in the evening of 03.01.2018 for consuming *Hadiya* country made liquor. While they were returning at about 10-11 pm, accused assaulted the deceased by hand, fist and kicks thereafter pushed her in a pit. During the intervening night of 3-4 January, 2018 deceased died. In the postmortem, it was found that the deceased has sustained abrasion and lacerated wounds over her face, chest, left pelvic region and thigh etc. and the death was homicidal in nature. In his memorandum statement, the accused disclosed to the Police, the manner in which the incident had happened.
5. Learned counsel for the applicant would state that the applicant is in jail since last about 2 ½ years and the trial is yet to be concluded. The applicant was granted liberty in two earlier bail applications that he may move again, if the trial is not completed within four months.
6. Learned State counsel would oppose the prayer for grant of bail.

7. Considering that there is no eye-witness and the case of the prosecution is based on the memorandum statement of the applicant and for the fact that he is in jail since last more than 2 ½ years and the trial is likely to take sometime, this Court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of ₹50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi