

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3885 of 2020

- Mithleshwar Prasad Mishra, S/o. Tikeshwar Mishra, Aged about 36 years, R/o. Village Kheratkala,(Tikarapara) Police Outpost Tuhalu, Thana Komakhan, District Mahasamund CG

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station Komakhan, Police Outpost Tuhalu, district Mahasamund CG

---- Respondent

For Applicant : Shri Shubhank Tiwari, Advocate
For Respondent /State : Shri H.S.Ahluwalia, Dy. AG

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/08/2020

Heard on admission.

Admit.

The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses vide order dated 20.12.2019 in M.Cr.C. No. 6990/2019

This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 149/2019 registered at police station Komakhan, District Mahasamund (CG) for the offence punishable under Sections 306,34 IPC.

As per prosecution case, the applicant and his parents used to harass the deceased on account of which she committed suicide by pouring kerosene oil and set herself ablaze.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the deceased was residing separately from her in-laws with her husband and children. He submits that the applicant is in jail since 18.09.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion, therefore he may be released on bail.

On the other hand counsel for the State opposes the bail application and submits that as per the statement of the mother of the deceased and independent witness, who is the neighbour of the deceased has stated that she was harassed by her in-laws.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation against the applicant, I am not inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge