

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4467 of 2020**

Akila @ Aina Darji D/o Late Dinesh Kumar, Aged About 31 Years R/o Nide-3 C W C, Chimpo, Ita Nagar, District Pampum, Arunachal Pradesh, At Present R/o Choprapara, Ambikapur, P.S. And P.O. Ambikapur District Sarguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Podi, District Korea Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sanjay Pathak, Advocate
For the State	:	Shri D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/08/2020**

1. Case diary is available.
2. This is the second bail application under Section 439 of the CrPC.
3. First bail application of the applicant was rejected by this Court vide order dated 11/09/2019 passed in MCRC No. 4407/2019 considering *prima facie* case against her.
4. Perused the case diary in connection with the Crime No.78/2019 registered at Police Station Podi, District Korea(C.G.) for the offence punishable under Section 306/34 of IPC.
5. Case of the prosecution, in brief is that applicant is the wife of deceased Dinesh Kumar. Ten months ago they performed the marriage. She went to Ambikapur to get the job in the saloon of co-accused Mohd. Javed. The deceased tried to return her. She blackmailed him, gave threats to kill stating that she will falsely implicate him in rape case. Consequently, deceased committed suicide on 13/04/2019 at village Sarola by hanging.
6. Counsel for the applicant submitted that applicant is in jail since 15/04/2019, trial is not begin yet, there was love affair between applicant and deceased Dinesh Kumar, applicant never performed marriage with said deceased. One co-accused Mohd. Javed was released by trial Court, he drew my attention on police statement of Ashish Kumar @ Mintu, hence applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application. He further submitted that no criminal antecedents against the applicant.
8. This is true that detention period of the accused and delay in trial are material factors for disposal of the bail application of 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 application filed by the accused.

9. This is also well settled legal position that while dealing the bail application Court can neither scrutinized nor appreciate the evidence Court can also does not touch the merits and demerits of the case.
10. This Court has already distinguished the case of applicant to the case of co-accused Mohd. Javed while dealing the first bail application of the applicant. While dealing the first bail application, this Court also observed that active role of applicant was depicted in alleged suicidal note of deceased.
11. Looking to the present situation it cannot be held that trial Court is responsible for delay in trial.
12. Looking to the above mentioned facts and circumstances of the case this Court finds that this is not a fit case where the applicant may release on bail in second round of litigation. Consequently, second bail application of applicant is rejected. However, trial Court is directed to dispose of the case as soon as possible after resuming the regular work of the Court.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde