

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4132 of 2020**

- Ranjit Yadav S/o Santram Yadav Aged About 21 Years R/o Ramnagarpara, Naila Outpost Naila, Police Station Janjgir , District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate , Janjgir, District Janjgir Champa Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. Ganesh Ram Burman, Advocate
For Non Applicant	:	Mr. D.C. Verma, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****22.07.2020**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was dismissed for want of prosecution by this Court vide order dated 02.08.2019 passed in MCRC No.4057 of 2019, his second bail application was rejected by this Court vide order dated 30.09.2019 passed in MCRC No.5603 of 2019 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 13/2019 registered at Police Station – Janjgir, District- Janjgir- Champa (C.G.) for the offence punishable under Section 304(B) of the Indian Penal Code.
4. Case of the prosecution, in brief is that applicant is the husband of the deceased Smt. Neetu Yadav. The marriage of the applicant and deceased was solemnized on 23.04.2017. After marriage applicant was harassing deceased on account of demand of motorcycle, freeze and luxurious item as dowry, as a result she committed suicide by hanging.
5. Counsel for the applicant submitted that despite the direction of this Court trial is not concluded. Though material witnesses have been examined but

I.O. is to be examined. He further submitted that in alleged dying declaration deceased stated that she was deceiving the applicant, at the time of alleged incident i.e. 24.09.2018 family members of the deceased were present at the place of occurrence but they did not complaint to anyone. Hence, applicant may be released on bail.

6. On the other hand, learned counsel for the State opposed the bail application, however, submitted that there is no criminal antecedent against the applicant is reported in the police case diary.
7. This is true that delay in trial and detention period of the accused are material factors for disposal of the bail application filed by 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.
8. This is also well settled legal position that while dealing the bail application Court neither can scrutinize the evidence nor appreciate the same, it is only the trial Court who can do so at the time of appreciation of the evidence.
9. In the case in hand, material witnesses have already examined.
10. In present scenario it cannot be held that the trial Court is responsible for delay in trial.
11. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no such material change in circumstances which may entitle the applicant to be released on bail in third round of litigation. Consequently, his third bail application is rejected.

Sd/-

(Sharad Kumar Gupta)

Judge

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