

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4888 of 2020**

- Jageshwar Yadav S/o Late Santram Yadav, Aged About 33 Years R/o Nutam Chowk, Police Station Purani Bhilai, Tahsil Patan, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Purani Bhilai, Civil And Revenue District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant	: Shri Vikash Pandey, Advocate.
For Non-applicant	: Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.12.2020**

1. This is fourth 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 rejected by this Court vide order dated 27.03.2019 passed in MCRC No. 86 of 2019 considering prima facie case against him, his second bail was rejected by this Court on 01.05.2019 passed in MCRC No. 2629 of 2019 considering prima faice case against him and his third bail application was rejected by this Court on 17.09.2019 passed in MCRC No.5915 of 2019 considering prima facie case against him.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.419/2018 registered in Police Station Purani Bhilai District-Durg for the offence punishable under Section 306 of Indian Penal Code.
4. Case of the prosecution, in brief, is that applicant is the husband of the deceased Pushplata Yadav. Marriage of the deceased was solemnised with

the applicant in year 2015. On 17.09.2018 about 00:30 hours applicant and dead body of the deceased were found in burnt condition in their house. During the investigation it was found that applicant was harassing her.

5. Learned counsel for the applicant argued that the applicant is in jail since 24.11.2019. Some witnesses have been examined who did not support the prosecution case, hence, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.

7. This is true that the detention period of the accused and delay in trial are material factors for the 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 the disposal of the bail application filed by the accused.

8. This is well settled legal position that while dealing with the bail application this Court can neither 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. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in fourth round of litigation, consequently, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE