

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5072 of 2020**

Onkar Prasad Rathore S/o Balak Ram Rathore, Aged About 30 Years
R/o Sivni, Ward No. 11, Police Station Champa, District Janjgir-
Champa, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Of Police
Station Champa, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikas Pandey, Advocate
For the State	:	Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/12/2020**

1. This is the fifth bail application under Section 439 of the CrPC. Earlier his first bail application was rejected by this Court on merits vide order dated 07/05/2018 passed in MCRC No. 1847/2018. His second bail application was rejected on merits by this Court vide order dated 15/11/2018 passed in MCRC No. 8213/2018. His third bail application was rejected by this Court on merits vide order dated 02/04/2019 passed in MCRC No. 1439/2019 considering prima facie case against him. His fourth bail application was dismissed as withdrawn by this Court vide order dated 10/02/2020 passed in MCRC NO. 7423/2019.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 284/2017 registered at Police Station Champa, District Janjgir-Champa (C.G.) for the offence punishable

under Section 304-B of Indian Penal Code.

3. Case of the prosecution, in brief is that the marriage of the deceased Nisha Rathore was solemnized with the applicant on 18/04/2017. Applicant and said deceased were reside in village Naya Baradwar. On 21/06/2017 in the night said deceased was admitted in Mission Hospital, Champa by the applicant and his family members. She was referred in KIMS Hospital, Bilaspur on 22/06/2017 at 4.00 p.m. she died. As per the postmortem report deceased was died due to cardiopulmonary arrest, due to poisoning (insecticidal agent) it was suicidal in nature. After the investigation it was found that applicant was harassing the deceased on account of demand of motorcycle, gas cylinder, washing machine.
4. Learned counsel for the applicant submitted that on 10/02/2020 the Court has directed to expedite the trial and dispose of the case as soon as possible, thereafter no witnesses have examined. Applicant is in jail since 22/11/2017, hence applicant may be released released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. 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.
7. In the present scenario it cannot be held that the trial Court is responsible for delay in trial due to Covid-19 pandemic. The substantive work of the subordinate Court was suspended recently

subordinate Court have started the regular work.

8. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no such material change in the circumstances which may entitle the applicant to be released on bail in fifth round of litigation. Consequently, his fifth bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible giving top priority.

Sd/-

(Sharad Kumar Gupta)
Judge