

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5200 of 2020**

Ghanshyam Narang, son of Shri Naresh Narang, aged about 28 years, resident of Village Chhachhanpairi, Police Station Mujgahan, Tahsil Abhanpur, District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Mujgahan, District Raipur (CG).

---- Non-applicant

For Applicant : Mr. Ashish Gupta, Advocate

For Non-applicant : Mr. D.K. Tiwari, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**07.10.2020**

1. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.71/2019 registered at Police Station Mujgahan, District Raipur for the offence punishable under Section 304-B of Indian Penal Code.
3. The first, second and third bail applications of the applicant were rejected on merits by this Court vide order dated 09.05.2019, 02.08.2019 & 13.02.2020 passed in M.Cr.C. No.2811/2019, M.Cr.C. No.4637/2019 & M.Cr.C. No.1058/2020 respectively considering prima facie case against him.
4. Case of the prosecution, in brief, is that the applicant is husband of deceased Smt. Puni Bai Narang. The marriage of the deceased was solemnized with applicant six years ago. After the marriage, the applicant was harassing the deceased on account of demand of dowry and suspicions upon her character.
5. Counsel for the applicant submitted that the deceased did not state anything against the applicant in her dying declaration. He is in jail since 31.03.2019, out of 25 prosecution witnesses, only 14 prosecution witnesses have been examined before the trial Court. The trial will take its own time, he drew my attention on paragraph Nos.8, 9 & 10 of photocopy of the statement of Geedhan (P.W.7), who is the father of the

deceased, which is the part of bail application, hence applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application.

7. This is true that the detention period of the accused and delay in trial are material factors for disposal of the bail application. But equally, it is also true that seriousness of the offence and impact of granting bail to the applicant on society are more material and important factors for disposal of the bail application.

8. This is well settled legal principle that while dealing with the bail application, the Court can neither scrutinize the evidence nor appreciate the evidence. It is only the trial Court, who can do so at the time of appreciation of the evidence.

9. This is also well settled legal principle that while dealing with the bail application, the Court cannot touch the merit and demerit of the case. Moreover, Geedhan (P.W.7) stated against the applicant in para No.2 during examination-in-chief. While dealing with the second bail application, this Court had considered the aspect of the dying declaration of the deceased.

10. Looking to the present scenario, it cannot be held that trial Court is responsible for delay in trial.

11. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant be released on bail in the fourth round of litigation. Consequently, his fourth bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible after resuming the regular work of Court.

12. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-