

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5964 of 2020**

- Dinesh Manjhi S/o Shri Nansay Manjhi Aged About 29 Years By Caste Khadiya, R/o Village Kukerbhuka, Sanwatoli, Thana Bagbahar, Civil And Revenue District Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Bagbahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.
For Respondent/State : Mr. Samir Uraon, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2020**

1. The accused/applicant has moved this **second bail application** under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 142/2019 registered at Police Station – Bagbahar, District - Jashpur (C.G.) for the offence punishable under Section 302 of the IPC.
2. The first bail application of the applicant was dismissed with liberty to revive the same after evidence of material witnesses by this Court on 21.01.2020 in MCRC No. 7770/2019.
3. The prosecution story, in brief is that, on 09.07.2019 a merg intimation was given by the applicant at police station Bagbahar with the averment that he went to market and came to the house at about 5 PM., he saw that his wife is lying dead in her bad so the thana police registered the merg and panchnama was prepared in presence of Executive Magistrate and during merg inquiry the statement of applicant's daughter aged about 5 years has been recorded she stated that there is quarrel between the applicant and his

wife and applicant given some medicine. Based on this, offence has been registered against the present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecution case is based on the evidence of child witness and the said witness was examined and turned hostile and other witnesses were also not supported the prosecution case before the trial Court. He also submits that the applicant is in jail since 07.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application and submits that the deceased died due to the poisonous substance given by the applicant, therefore, no case is made out to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the all prosecution witnesses have not supported the prosecution case before the trial Court and the applicant is in jail since 07.09.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**