

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6178 of 2020**

- Shanker Singh S/o Late Dharmasai Aged About 25 Years By Caste- Gond, R/o Village- Parmeshwarpur, Mohalla Judwanipara, Police Station And Tahsil- Ramanujnagar, District- Surguja (Now District- Surajpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Ramanujnagar, District- District-Surajpur, Chhattisgarh

---- Non-applicant

For Applicant : Shri R.V. Rajwade, Advocate.

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

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****20.10.2020**

1. This is second 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 has been rejected by this Court on 16.01.2019 in MCRC No. 9669 of 2018 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 185/2018 registered at Police Station – Ramanujnagar, District – Surajpur (C.G.) for the offence punishable under Section 306/34 of the Indian Penal Code.
4. Case of the prosecution, in brief is that applicant is husband of deceased Phuleshwari Singh. Three years ago, the marriage of applicant was solemnized with the deceased. After the marriage, the applicant and co-accused mother-in-law of the deceased used to harass her, used to put her on trouble, they were taunting that she has not given birth to a child. The

applicant has also beaten the deceased. The deceased committed suicide by hanging herself in the intervening night of 23rd and 24th of September, 2018.

5. Counsel for the applicant argued that six prosecution witnesses have been examined who did not support the prosecution case, the applicant is in jail since 24.11.2018, thus, he may be released on bail.

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

7. This is true that the detention period of the accused and delay in trial are the material factors for disposal of the bail application filed by the accused, but equally it is also true that seriousness of the offence, impact of granting bail to the accused on society are more important and material factors for 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. Moreover, in the case in hand, P.W.1 Adal Singh, P.W.3 Smt. Kaleshwari, P.W.4 Smt. Manmati had stated against the applicant during examination in chief.

9. In the present scenario, it cannot be held that the trial Court is responsible for delay in trial.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case to enlarge the applicant on bail in second round of litigation, consequently, the present bail application is rejected.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE