

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7801 of 2019

- Domendra S/o Tilakram Lodhi Aged About 21 Years R/o Village Bajguda, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Shri Rahil Arun Kochar, Advocate.

For Non-applicant : Shri Dinesh Kumar Tiwari, Dy. Government Advocate.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

15.01.2020

1. This is third 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 on 15.04.2019 in MCRC No. 696 of 2019 considering prima facie case against him and the second bail application of the applicant has been rejected by this Court on 14.10.2019 in MCRC No. 4327 of 2019 considering the prima faice case against him.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 207/2018 registered at Police Station – Chhuikhadan, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376, 302, 201 of the IPC.
4. Case of the prosecution, in brief is that on 06.10.2018 deceased Ku.

Rekha Janghel, aged about 19 years resident of Bajguda did not return back to house till evening. Her father Ganpat intimated police station Chhuikhadan where a report regarding missing person was lodged. During investigation a memorandum of applicant was recorded. On the memorandum of applicant one bag was seized from applicant containing two Dupatta of deceased Rekha Janghel, some books, one copy, one keyring of bicycle . At Chhurariver forest some bones and hairs were found. Shav Panchnama was prepared. Father of the deceased Ganpat identified the clothes of deceased.

5. Learned counsel for the applicant argued that applicant is 21 years old and since 19.10.2018 he is in jail, thus he may be released on bail. He further submitted that in the case in hand P.W. 16 the Investigating Officer Narendra Pujari has been examined. He drew my attention on para 23, 25 and 26 of the photocopy of statement of P.W. 16 Narendra Pujari, Investigating Officer which is part of the bail application. He further drew my attention on para 3, 10, 11 and 12 of the true copy of the statement of P.W. 14 Dr. Lila Ramteke which is part of the bail application.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedents against the applicant.
7. True it is that delay in trial and detention period of the accused are material factors for disposal of the bail application of 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 important and material factors for the disposal of the bail application of the accused.
8. This is also well settled legal position that while dealing with the bail application Court neither can scrutinize the evidence nor appreciate the

same.

9. This is also well settled legal position that while dealing with the bail application Court cannot touch merits and demerits of the case.
10. Considering the material facts and circumstances of the case, this Court finds that it is not a fit case where applicant may be released on bail in third round of litigation.
11. Accordingly, the third bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as early as possible.
12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE