

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 533 of 2020**

Kunwariya Bai W/o Tirathram Aged About 57 Years Occupation House
Wife, R/o Village Mandanpur, Police Station Pipariya, Tahsil
Kawardha, District Kabirdham, Chhattisgarh., District : Kawardha
(Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Pipariya, District Kabirdham, Chhattisgarh., District : Kawardha
(Kabirdham), Chhattisgarh

---- Respondent

For the Applicant	:	Shri Malay Shrivastava, Advocate
For the State	:	Shri Suyash Dhar, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**04/02/2020**

1. This is the third bail application under Section 439 of the CrPC. Earlier her first bail application was rejected by this Court vide order dated 25/04/2019 passed in MCRC No. 2431/2019 considering *prima facie* case against her. Her second bail application was rejected by this Court vide order dated 10/07/2019 passed in MCRC No.3928/2019.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.49/2019 registered at Police Station Pipariya, District Kabirdham (C.G.) for the offence punishable under Sections 498-A, 306, 34 of IPC.
3. Case of the prosecution, in brief is that the deceased Kanti Bai is wife of co-accused Chintaram. Applicant is her mother-in-law. The marriage of the deceased was solemnized with co-accused Chintaram in the year 2011. After the marriage applicant used to harass her saying that she is the cause of death of her elder son. She used to abuse her. On 02/02/2019 deceased was set on fire consequently she died in hospital on 08/02/2019.

4. Counsel for the applicant submitted that applicant is in jail since 27/03/2019 and she is 57 years of age, from the entire statements of PW-1 Lekhram Sahu, who is father of deceased and PW-2 Ashwani Kumar Sahu, who is brother of the deceased no offence is made out against the applicant punishable under Section 306 of IPC.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents has been reported against the applicant in the police case diary.
6. This is true that detention period of the accused and delay in trial 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. This is well settled legal position that while dealing the bail application Court can neither scrutinize the evidence nor appreciate the evidence. It is the trial Court who can do so at the time of disposal of the case. This is also well settled legal position that while dealing the bail application Court cannot touch merits and demerits of the case.
8. Moreover PW-1 Lekhram Sahu had stated against the applicant in para No. 2 during his examination-in-chief, PW-2 Ashwani Kumar had stated against the applicant in para No. 1 in examination-in-chief.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may release on bail in third round of litigation. Consequently her third bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge