

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2867 of 2021**

- Mithleshwar Prasad Mishra, S/o Tikeshwar Mishra, aged about 37 years, R/o village Kheratkala (Tikrapara), Police Outpost Tuhalu, Thana Komakhan, District Mahasamund (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station- Komakhan, Police Outpost Tuhalu, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Shubhank Tiwari, Advocate
For Respondent	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****14/06/2021**

Proceeding through video conferencing.

1. The applicant has preferred this third bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.149/2019, registered at Police Station – Komakhan, District Mahasamund (C.G.) for the offence punishable under Sections 306 and 34 IPC.
2. Earlier bail applications of the applicant were dismissed.
3. As per the prosecution case, the applicant and his parents used to harass the deceased on account of which she committed suicide by pouring kerosene oil and set herself ablaze. Based on which, offence under Section 306, 34 has been registered against him. The present applicant has been taken into custody on 18.09.2019.
4. Learned counsel for the applicant submits that the material witnesses i.e. father and mother of the deceased (PW/4 and PW/5) have not stated anything against the applicant and

turned hostile. Champa Bai (PW/1), neighbour of the deceased, has also turned hostile. He also submits that the applicant is in custody since 18.09.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that material witnesses have turned hostile, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge