

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings Through Video Conferencing****MCRC No. 3324 of 2021**

- Ranbir, S/o Ranchor Kashyap, aged about 55 Years, R/o Pauna Police Station Mulmula, Tahsil Janjgir, District Janjgir Champa, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through Police Station Mulmula, District Janjgir Champa, Chhattisgarh.

----Non-applicant

MCRC No. 3371 of 2021

- Urmila Bai, W/o Shri Ranbir Kashyap, aged about 51 Years, R/o Pauna, P.S.- Mulmula, Tahsil Janjgir, District- Janjgir Champa (Chhattisgarh).

----Applicant

Versus

- State of Chhattisgarh Through- P.S.- Mulmula, District- Janjgir- Champa (Chhattisgarh).

----Non-applicant

For Applicants	Mr. Hanuman Prasad Agrawal, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

26/07/2021**MCRC No.3324 of 2021**

1. This is the third bail application filed by the applicant-Ranbir under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The first and second bail applications i.e. MCRC No.1655 of 2019

& MCRC No.2132 of 2020 were dismissed on merits vide orders dated 27.03.2019 & 04.09.2020 respectively.

MCRC No.3371 of 2021

2. This is the fifth bail application filed by the applicant- Urmila Bai under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The first, second, third and fourth bail applications i.e. MCRC No.1655 of 2019, MCRC No.5187 of 2019, MCRC No.7548 of 2019 & MCRC No.2154 of 2020 were dismissed on merits vide orders dated 27.03.2019, 29.08.2019, 04.12.2019 & 04.09.2020 respectively.
3. The present applicants are arrested on 07.02.2019 in connection with Crime No.24/2019 registered at Police Station Mulmula, District Janjgir-Champa, C.G. for the offence punishable under Section 304-B of Indian Penal Code.
4. The prosecution story in brief, is that on 07.02.2019, complainant- Santosh Kumar Kashyap lodged a written report before the concerned police station alleging that one & half year after marriage of deceased with co-accused Radheyshyam, the husband of the deceased along with present applicants used to harass and commit marpeet with deceased for bringing motorcycle by using filthy language. Due to this reason, deceased consumed poison and consequently, she died on 04.11.2018. On report to the above effect being lodged by the complainant, offence under the aforesaid section was registered against the applicants along with co-accused.

5. Learned counsel for the applicants submits that applicants are innocent persons and have been falsely implicated in this case. He submits that applicants are languishing in jail since 07.02.2019 and due to COVID-19 pandemic, conclusion of trial is likely to take some time and that co-accused- Radheshyam in this case has already been granted regular bail by the co-ordinate Bench of this Court in MCRC No.8285 of 2019 vide order dated 06.02.2020. Therefore, looking to the long incarceration of the applicants and delay in trial, the applicants be released on bail.
6. On the other hand, learned counsel for the State opposes the bail applications.
7. Heard learned counsel for the parties.
8. As per the last bail rejection order passed by the co-ordinate Bench of this Court in MCRC Nos. 2132 of 2020 & 2154 of 2020 vide order dated 04.09.2020, the trial Court was directed to expedite the trial and conclude the same as early as possible, however, out of 37 witnesses cited in the charge sheet only 14 witnesses have been examined so far as admitted by both the counsel and there is every likelihood that the conclusion of the trial will take some time due to COVID-19 pandemic. Thus, considering the detention period of the applicants which comes to more than 2 ½ years, there is no substantial progress in the trial so far and its conclusion is likely to take some time due to COVID-19 pandemic, there is no likelihood of the applicants tampering with the evidence or absconding as admitted by both the counsel, in the changed facts and circumstances of the case, this Court is of the opinion

that the present applicants deserve to be released on bail. Accordingly, both the applications are allowed. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- (i) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh