

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5732 of 2021

- Malik Ram @ Jagdish, S/o Babulal Chandra, Aged About 28 Years, (Now 32 Years), R/o Village and Post Akalsara, Police Station Baradwar, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- District Magistrate, Janjgir, Civil and Revenue District- Janjgir-Champa, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Ayaj Ayachi, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

27.08.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 30.10.2016 in connection with Crime No.324/2016 registered at Police Station- Baradwar, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 302, 304 (B), 498 (A) and 34 of IPC.
- 2) Case of the prosecution, in brief, is that deceased Khageshwari Bai was married to present applicant namely Malik Ram. After marriage the applicant alongwith other co-accused started torturing the deceased in connection with demand of dowry and it is alleged that the applicant alongwith co-accused persons strangulated the deceased as a result of which she died.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the co-accused persons have already been granted bail by the Co-ordinate Bench of this Court vide order dated 05.02.2021 in MCRC No. 8745 of 2021 and 08.07.2021 in MCRC No. 2776 of 2021, the applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 30.10.2016, charge-sheet has already been and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant alongwith other co-accused persons strangulated the deceased in connection with demand of dowry.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, the co-accused persons namely Babulal & Smt. Laxmin Bai (father & mother-in-law of the deceased) have been granted bail mainly on the ground of their poor health condition & age, as per order dated 20.07.2021 of the learned trial Court three witnesses are yet to examined, without commenting anything on merits of the case, the bail application is rejected. However, looking to the detention period of the applicant the learned trial Court is directed to expedite the trial and conclude the same within a period of six months. If the trial is not concluded within a period of six months from today, the applicant shall be at liberty to repeat his prayer for bail.

Sd/-
(Gautam Chourdiya)
Judge