

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8745 of 2020

Babulal S/o Bodhram Aged About 61 Years (Now 65 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.

---- Respondent

For applicant - Shri Ajay Ayachi, Advocate.
For Respondent/State – Shri Gagan Tiwari, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

05/02/2021

1. This is third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 28/02/2017 and second bail application was dismissed on 9/11/2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.324/2016 registered in Police Station Baradwar, District Janjgir-Champa for offence punishable under sections 302, 304(B), 498 (A) and 34 of Indian Penal Code.
3. As per the prosecution case, deceased Khageshwari Bai was married to Malik Ram, son of the applicant. It is alleged that the applicant and other accused demanded dowry and subjected the deceased to torture. It was reported by the present applicant that Khageshwari Bai is not well and thereafter when she was taken to hospital, she was declared dead. In MLC it was stated that she was subjected to strangulation. It is alleged that the applicant Babulal and other accused Laxmin Bai who were the father-in-law and mother-in-law alongwith their son have strangulated the deceased on 28/10/2016, thereby the offence has been

committed.

4. Learned counsel for the applicant submits that the applicant is aged about 65 years and he is in custody since 30/10/2016 and on the earlier occasion while the second bail application was rejected, this Court directed the trial court to expedite the trial taking into age of the applicant. He would submit that out of 33 witnesses only 19 witnesses have been examined. Learned counsel refers to the bunch of medical documents which is produced from the jail. He submits that taking into age of the applicant who is 65 years and his ailment, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Age of the applicant is shown to be 65 years and he is in jail since 30/10/2016. Voluminous documents have been placed on record from the jail authorities about the medical treatment of the applicant. Taking into such fact and the fact that out of 33 witnesses only 19 witnesses have been examined till date and specially considering the medical documents and age of the applicant who is aged about 65 years, this court is inclined to release the applicant on bail.

7. Accordingly, the third bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE