

Nandlal Verma Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Sept. 27, 2018

Acts Referred: Indian Penal Code, 1860 " Section 304B
Code Of Criminal Procedure, 1973 " Section 439

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Sumit Jhanwar, Rahul Tamaskar

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. This is the 3rd bail application of the applicant filed under Section 439 of CrPC. His first bail application was decided on merits in MCRC No.4473

of 2017 vide order dated 09.8.2017 by co-ordinate Bench of this Court. The second bail application was dismissed as withdrawn in MCRC No.1831 of

2018 vide order dated 30.4.2018. Subsequently this that 3rd bail application for grant of regular bail have been filed by the applicant.

2. This is the 3rd bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to

him as he is in custody in connection with Crime No.192/2016 registered at Police-Station-Suhela, Civil & Revenue District- Balodabazar

Bhatapara(C.G.) for the offence punishable under Section 304-B of the Indian Penal Code.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case in the trial against the applicant so

far only 4 witnesses have been examined out of total 19 witnesses. The main witness that is the father of the deceased has not made any statement

about demand of dowry made by this applicant from the deceased because of this fact in circumstances and for the reason that delay in conclusion of

trial. Applicant is in jail since 14.2.2017. Hence, it is prayed that he may be released on regular bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.

5. I have heard the learned counsel for both the parties and perused the case diary.

6. As the earlier application for grant of bail has been decided on merits, hence, this application shall not be considered again.

7. Considering the development that has taken place by way of evidence brought on record in the trial against the applicant regarding which

submission has been made and also considering that the applicant is in jail for about more than 1 Å,Å½ years and still the trial is not concluded against

him, for this reason, I am of this opinion that this is a fit case where applicant should be benefited with grant of regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicant shall be released on bail on his

furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance

as and when directed.