

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2461 of 2021**

- Vishnu Pal, S/o Galay Pal, aged about 31 years, R/o village Pateva, P.S. Ghumka, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Ghumka, District Rajnandgaon (C.G.)

---- Respondent

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| For Applicant | : | Mr. Vishnu Koshta and Mr. Shobhit Koshta, Advocates |
| For Respondent/State | : | Mr. Mateen Siddiqui, Dy. A.G. |

Hon'ble Smt Justice Rajani Dubey**Order on Board****31/05/2021**

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.209/2019, registered at Police Station – Ghumka, District Rajnandgaon (C.G.) for the offence punishable under Section 304-B r/w section 34 IPC.
2. Earlier bail applications of the applicant were dismissed as withdrawn with liberty to file the same after examination of material witnesses.
3. The prosecution story, in brief, is that the present applicant was having illicit relation with Madhu Pal, wife of his brother, and owing to this a dispute arose between the applicant and his wife deceased Jaishri Pal. After sometime, on 25.07.2019,

the deceased consumed poison and immediately thereafter she was given medical treatment by the accused persons, however, she died on 30.07.2019 in hospital during treatment. After some days of cremation, the applicant went to the father of deceased for taking back his daughter where a dispute took place between them resulting filing of FIR on 18.10.2019. The present applicant has been taken into custody on 25.10.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the deceased consumed poison because of applicant's having illicit relation with his brother's wife namely Madhu Pal and as such no offence under Section 304-B is made out against the applicant. He also submits that Arjunram Pal (PW/1), father of deceased, who lodge the FIR, turned hostile and stated that there was no demand of dowry by the present applicant. He also submits that the present applicant is in custody since 25.10.2019, 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 opposing the bail application submits that the deceased died in her matrimonial house within two years of her marriage after consuming poison.
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, in particular the quality of evidence and nature of allegation, I am not inclined to release the applicant on bail.

8. Accordingly, the bail application is rejected. However, the trial Court is directed to conclude the trial as early as possible, preferably within a period of six months from the date of receipt of copy of this order.
9. I.A.No.02/2021, for hearing during summer vacation stands disposed of.

Sd/-

(Rajani Dubey)
Vacation Judge

PKD