

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 990 of 2018**

- Santosh Kumar Dwivedi S/o Ramlal Dwivedi Aged About 30 Years R/o Village Rakari Pateri, P.S. Mauganj, District Rewa (M.P.) At Present Address Atal Awas, STF Colony House No. 23, Baghera P.S. Pulgaon District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Pulgaon, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Uttam Dubey, Advocate.

For Non-applicant : Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****06.02.2018**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 283/2017 registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 304-B of the Indian Penal Code.
3. Case of the prosecution, in brief is that the marriage of the deceased Sandhya Devi was solemnised with the present applicant Santosh Kumar Dwivedi on 31.04.2011. on 04.06.2017, the C.C.M. Hospital, Bhilai informed that the said deceased has been died. During the investigation, it has been found that on 30.05.2017 the said applicant had beaten the deceased. When the deceased was shifted to

hospital, injuries were found on her body.

4. Learned counsel for the applicant argued that seven witnesses have been examined by the Trial Court and they have said that there was no dispute between the applicant and the deceased. The applicant is a government servant. Thus, he may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Earlier, the first bail application of the applicant has been rejected by this Court on 03.11.2017 in MCRC No. 4930 of 2017 considering the merits of the case.
7. Becoming hostile of some of the prosecution witnesses during trial in the Trial Court does not change the circumstance which may entitle to get the regular bail in second round.
8. Looking to the entire materials available on record, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.
9. Consequently, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE