

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5976 of 2018**

Jageshwar Manikpuri, @ Jagesh, S/o Budhram, aged about 30 years, R/o Village Kongera, Police Station Vishrampuri, Revenue and Civil District Kondagaon (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Vishrampuri, District Kondagaon (CG).

---- Non-applicant

For Applicant : Mr. Sandeep Yadav, Advocate

For Non-applicant : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19.09.2018**

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.67/2017 registered at Police Station Vishrampuri, District Kondagaon for the offence punishable under Section 302 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by the order of this Court dated 01.03.2018 passed in M.Cr.C. No.8177 of 2017.
3. Case of the prosecution, in brief, is that the deceased Poonam Manikpuri, wife of the applicant died on 01.08.2017 at about 09:30 pm. The deceased telephoned her sister Laxmi Manikpuri and narrated that the applicant has beaten her badly and also throttled her neck. Laxmi Manikpuri inquired the same from the applicant, who told that he has beaten the deceased. The deceased was admitted in hospital, where she died.
4. As per the postmortem report the cause of death of the deceased

is asphyxia due to fracture of hyoid bone, death is homicidal in nature.

5. Counsel for the applicant submitted that the applicant is a innocent person and has been falsely implicated in the present case and the prosecution witnesses have already been examined and they have turned hostile. He further submitted that the opinion of Dr. Mamta Thakur (P.W.9) indicates innocence of the applicant hence he may be released on bail.
6. Turning hostile number of prosecution witnesses and statement given by Dr. Mamta Thakur (P.W.9) during the course of cross-examination are the subject matters of the scrutiny of the evidence.
7. Looking to the above mentioned facts and circumstances of the case, I do not find any new good ground or any change in the circumstances of the case to entertain this second bail application. Consequently, the second bail application of the applicant is rejected. However, the trial Court is directed to consider and dispose of the case expeditiously as early as possible.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-