

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1717 of 2019**

Onkar Sahu, aged about 40 years, son of late Shivdayal Sahu, R/o Village Thanaud,
Police Station Abhanpur, Tahsil and District Raipur (CG).

---- **Applicant**

Versus

State of Chhattisgarh, through District Magistrate, Raipur (Police Station Abhanpur),
District Raipur (CG).

---- **Non-applicant**

For Applicant : Mr. Malay Kumar Bhaduri & Ms. Sareena Khan, Advocates

For Non-applicant : Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27.03.2019

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.75/2018 registered at Police Station Abhanpur, District Raipur for the offence punishable under Section 302 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 27.11.2018 passed in M.Cr.C. No.7767/2018 considering the *prima facie* case against the applicant.
3. Case of the prosecution in brief is that the applicant is husband of deceased Sonabai Sahu. On 31.03.2018, the dead body of deceased Sonabai Sahu was found in suspicious condition in the house of the applicant. As per postmortem report, nature of death of the deceased was homicidal, cause of death was strangulation leading to asphyxia and cardio-respiratory arrest. In the house only two persons were residing, one of the deceased and another the applicant. During the investigation it was found that there was no possibility that any stranger may enter in the house.
4. Counsel for the applicant submitted that the applicant is a innocent person and has been falsely implicated in the present case. She further submitted that numbers of prosecution witnesses have been turned hostile before the trial Court and he is in jail since 11.03.2018. Looking to the evidence of the prosecution witnesses the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. It is well settled principle of law that while dealing the bail application, the Court cannot scrutinize the evidence.
7. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of case in accordance with law expeditiously preferably within a period of four months from the date of receipt of certified copy of this order.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE