

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1823 of 2019**

- Kaju Tirki S/o Devlal Aged About 36 Years Caste Uraon, R/o Village Katghodi, Chuhiyapara, P. S. And Tahsil Sonhat District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sonhat District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant : Shri V.K. Sahu, Advocate.
For Non-applicant : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

17.06.2019

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. Earlier, the first bail application of the applicant has been rejected by this Court on 27.09.2018 in MCRC No. 6076 of 2018 considering the prima facie case against the applicant.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 85/2018 registered at Police Station – Sonhat, District – Korea (C.G.) for the offence punishable under Section 306 and 498-A of the IPC.
4. Case of the prosecution, in brief is that the applicant is the husband of the deceased Marfi Tirki. 15 years ago the marriage of the deceased was solemnized with the applicant. Applicant was harassing the deceased on account of demand of cash and motorcycle. On 09.05.2018 deceased had told to the applicant not to play gambling. A dispute was arisen between them. Applicant abused the deceased and used filthy language against her. Thereafter the deceased poured kerosene oil on her body and set her on fire. On 12.05.2018 she died in District Hospital, Baikunthpur.
5. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submitted that two other criminal cases under the Gambling Act have been registered against the applicant.
7. Learned counsel for the applicant submitted that sons of the applicant and deceased and some other witnesses have been examined in the trial Court, they did not support the prosecution case, applicant is in jail since 1 year, thus he may be released on bail.
8. In the case in hand some other witnesses have to be examined. Turning hostile of some witnesses is itself not a ground to release the accused on bail.
9. There is no change in the circumstance.
10. Accordingly, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible.
11. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE