

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1850 of 2019**

Kamlesh Suryawanshi, S/o Shri Chhote Lal Suryawanshi, aged about 23 years, R/o Village Kanai, Police Station & Tahsil Janjgir, Civil & Revenue District Janjgir Champa (CG).
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Janjgir, Civil & Revenue District Janjgir Champa (CG).
---- Non-applicant

For Applicant : Mr. Paras Mani Shriwas, Advocate

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

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.04.2019

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.291/2018 registered at Police Station Janjgir, District Janjgir Champa for the offence punishable under Section 304(B) of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 04.10.2018 passed in M.Cr.C. No.6192/2018 considering the *prima facie* case against the applicant.
3. Case of the prosecution in brief is that the applicant is husband of the deceased. Two years ago, the marriage of the deceased was solemnized with the applicant. The applicant was harassing the deceased on account of demand of a motorcycle and fridge. Consequently, on 12.04.2018, deceased committed suicide in her house at village Kanai.
4. Counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. He further submitted that seven prosecution witnesses have been examined before the trial Court and they have turned hostile during the trial hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. As per certified copies of statements of P.W.-1 Rajkumar and P.W.-2 Photobai, they had stated against the applicant during examination-in-chief. They are not hostile witnesses.
7. Turning hostile of some other witnesses is not a sufficient ground to release the applicant on bail in the second round of litigation. If there are some contradictions in the statements of P.W.-1 Rajkumar and P.W.-2 Photobai then it would be considered by the trial Court at the time of appreciation of evidence. At this stage, this Court cannot scrutinize the evidence.
8. 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.
9. Certified copy as per rules.

Sd/-
 (Sharad Kumar Gupta)
JUDGE