

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 4080 of 2019

- Prakash Tiwari S/o Shri Kameshwar Tiwari Aged About 27 Years R/o Nawaki, Police Station- Rajpur, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Shankargarh, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant : Shri Shakti Raj Sinha, Advocate.

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

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board12.07.2019

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 28.01.2019 in MCRC No. 67 of 2019 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. 65/2015 registered at Police Station – Shankargarh, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 304-B of the Indian Penal Code and 135 of the Electricity Act.
4. Case of the prosecution, in brief is that deceased Ganga Sagar was the

labour of applicant. On 2012.2014 at village Shankargarh, Sarladih applicant who was the electrical contractor was getting repair work on electrical pole through the deceased without providing him safety appliances. Deceased died due to electrical current.

5. Counsel for the applicant submitted that applicant is in jail since 05.12.2018, 12 witnesses have been examined who turned hostile in the trial Court, thus applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Mere turning hostile of some witnesses is not itself sufficient to enlarge the accused on bail in the second round of litigation. There is no change of circumstances which may entitle the applicant to be released on bail in the second round of litigation.
8. 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.

Sd/-

(Sharad Kumar Gupta)
JUDGE