

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.6528 of 2019**

Kaushal @ Konda Tigga, son of Sohana Tigga, aged about 40 years, Resident of village Beljora, Hokdopara, P.S. Seetapur, Tahsil Seetapur, District Surguja (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Seetapur, Civil and Revenue District Sarguja (CG).

---- Non-applicant

For Applicant : Mr. Devershi Thakur, Advocate

For Non-applicant : Mr. Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****08.11.2019**

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.93/2018 registered at Police Station Seetapur, Civil and Revenue District Sarguja for the offence punishable under Sections 302 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 05.04.2019 passed in M.Cr.C. No. 9815/2018 considering prima facie case against him.
3. Case of the prosecution, in brief, is that the applicant is the husband of deceased Jayanti Bai. On 09.07.2018 at about 2:00 p.m. dead body of deceased Jayanti Bai was found near Tuthamuda pond at village Beljora. As per postmortem report, death was occurred due to asphyxia caused by strangulation. Death was homicidal nature. It is alleged that the appellant used to beat the deceased after consuming liquor. On the memorandum of applicant, one half T-shirt having blood like stain was seized from the possession of the applicant.

4. Counsel for the applicant submitted that out of 12 prosecution witnesses, 08 witnesses have been examined before the trial Court, who have turned hostile, hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent has been reported against the applicant as per police case diary.
6. In the case in hand, Investigation Officer is to be examined. Mere turning hostile of some witnesses itself is not a sufficient ground to release the applicant on bail.
7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, this Court finds that it is not a fit case where the applicant may be released on bail in the second round of litigation. Consequently, the second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of case expeditiously preferably within a period of 2 ½ months from the date of receipt of certified copy of this order.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-