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**(2019) 02 CHH CK 0067**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 496 Of 2019

Kamta Patel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** Feb. 7, 2019

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 306

**Hon'ble Judges:** Sharad Kumar Gupta, J

**Bench:** Single Bench

**Advocate:** Sunil Sahu, Sangeeta Mishra

**Final Decision:** Dismissed

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**Judgement**

Sharad Kumar Gupta, J

1. This is the second bail application under Section 439 of the CrPC. First bail application was dismissed by this court on 16/11/2018 in MCRC NO.

8461 of 2018 considering the prima facie case.

2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.459/2018 registered at Police Station Kasdol,

District Balodabajar-Bhatapara (C.G.) for the offence punishable under Section 306 of IPC.

3. Case of the prosecution, in brief is that the deceased Savita absconded with applicant. She was living with him. Deceased Savita had intimated by

telephone to some family members of her that applicant had concealed this fact that applicant was already married. Due to this fact, he was beating

her and quarrel was happening frequently. On 09.09.2018, she poured kerosene oil and set herself afire.

4. Learned counsel for the applicant submits that some important prosecution witnesses have been examined in the trial Court and have turned hostile.

5. On the other hand, counsel for the State opposes the bail application.

6. Becoming hostile of some prosecution witnesses is not a sole ground to enlarged the accused on bail.

7. There is no change in the circumstance of the case on the strength of which the applicant is not entitled for grant of bail. According bail application

is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.