

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2771 OF 2015**

Nagesh Kumar Soni Son of Ganesh Soni, aged about 36 years, Resident of Litiya, Thana Bori, Tahsil Dhamdha, Civil & Revenue District Durg (CG)

---Applicant

Versus

State of Chhattisgarh through Station House Officer Pulgaon, Durg, District Durg (CG)

---Non-applicant

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For-Non-applicant	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.148 of 2015, registered at Police Station-Pulgaon, Distt.Durg (C.G.), for the offence punishable under Sections 376, 307 and 506 of the IPC.
2. Case of the prosecution, in brief, is that, the applicant has committed sexual intercourse with the prosecutrix from 27.6.2014 to 13.11.2014 and on being prays for marriage the applicant poured kerosene oil over her and set her ablaze, by which she suffered burn injury, which was sufficient to cause her death.
3. Learned counsel for the applicant would submit that he has not

committed any offence and he has been falsely implicated in crime in question. F.I.R. has been lodged on 21.3.2015 and there is no explanation of delay of five months in lodging the F.I.R. Learned counsel would further submit that the applicant is in jail since 23.3.2015 and charge-sheet has already been filed.

4. On the other hand, learned State counsel would oppose the bail application and submit that the manner in which the applicant has committed the rape and also attempted to murder her, it is not the case for grant of bail.

5. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence and the manner in which the offence of rape with assault has been made and burn injury alleged to have been caused by the applicant, this Court is not inclined to release the applicant on regular bail.

6. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Sanjay K. Agrawal)
JUDGE