

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7015 of 2015

Kamlesh Bai W/o. Fagu Ram Jangde, Aged About 39 Years, R/o. Village – Maro, Police Station Nandghat District Bemetara (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Nandghat District Bemetara (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. Uttam Pandey, Advocate
For Respondent/ State	:-	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 289/2015 registered at Police Station- Nandghat, District – Bemetara (C.G.) for the offence punishable under Sections 302/34 of IPC.
2. As per the prosecution case, in brief, death of Manisha Jangde took place on 21.07.2015. Before death, Manisha Jangde was earlier married to Amit Jangde in June 2014. After 15 days of marriage, it was found that she was having two months of pregnancy which was enquired by Amit Jangde that Manisha was in relation of lover affair with Amit Baghel and a Panchayat meeting was convened on 31.10.2014. In the meeting the deceased herself stated that she was in love affair with Amit Baghel. Thereafter, the applicant alongwith her son poured kerosene oil on the deceased and set her a blaze.

3. Counsel for the applicant submits that the applicant is innocent and she has been falsely implicated in this case. He further submits that the dying declaration neither contains fitness certificate nor attested by independent witness and was recorded by the Police and the time was also not shown. He further submits that the document of District Hospital is also not enclosed in the charge sheet, therefore, it leads suspicion and the dying declaring can not be accepted; therefore, she may be enlarged on bail.
4. State counsel opposes the prayer for grant of bail and submits that apart from dying declaration statement of mother and father of the deceased is also enclosed and therefore, she should not be enlarged on bail.
5. Perusal of the case diary along with dying declaration and the statement of Rajkumar and Manju wherein the allegations have been made against this applicant. Considering the statement of mother and father of the deceased alongwith dying declaration it appears that the involvement of the applicant primarily can not be ruled out, however, it would be subjected to evidence ,Therefore, I am not inclined to grant regular bail to the applicant.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge