

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2793 OF 2015**

Jhalla @ Aartahar Mishra, son of Makhan Lal Mishra, aged about 30 years,
Resident of Vill: Pendari, Police Station Chakarbhata, Distt. Bilaspur
(Chhattisgarh)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Chakarbhata, Distt. Bilaspur (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Ashish Shrivastava, Advocate.
For-Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/07/2015**

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. 148/2015, registered at Police Station Chakarbhata District Bilaspur (C.G.), for the offence punishable under Section 306, 34 of I.P.C.

2. Case of the prosecution, in brief, is that, on account of instigation/abatement extended by present applicant and one other co-accused Kanhiyalal, Smt. Rajni Mishra committed suicide by 100% burn injury on 13/03/2015.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that incident is of 13/03/2015 and she died on 14/03/2015, whereas, First Information Report was made on 15/05/2015. He

would also submit that no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would lastly submit that applicant is in jail since 14/05/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that deceased died by 100% burn injury and in the dying declaration recorded before the Executive Magistrate, she has clearly named the applicant and other co-accused person. He would further submit that charge sheet has not been filed and other co-accused person is still absconding and marriage was solemnized on 14/05/2010, as such, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; material available on the record; dying declaration of the deceased made before the Executive Magistrate; charge sheet has not been filed and other co-accused person is still absconding, this Court is not inclined to release the applicant on regular bail at this stage.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE