

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4316 OF 2015**

Vimla Bai, W/o Shri Satya Narayan Rathore, Aged about 43 years; R/o Village Sapiya, Thana Dabhara, Civil & Revenue Distt. Janjgir-Champa, (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through District Magistrate District Janjgir-Champa (C.G.)

---Non-applicant

For Applicant	:	Mr. Mahesh Kumar Mishra, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/08/2015**

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. 101/2015, registered at Police Station Dabhara, for the offence punishable under Sections 307, 498(A), 34, 302, 304B of I.P.C.

2. Case of the prosecution, in brief, is that, marriage of deceased-Sangita Rathore was solemnized with Nirmal Rathore in the month of March,2013 and immediately after marriage, present applicant and one other co-accused started harassing and treating her with cruelty demanding dowry, and they poured kerosene oil upon her body on 10/04/2015 and set her ablaze on account of which, she died on 14/04/2015.

3. Learned counsel for the applicant would submit that applicant has

not committed any offence and has been falsely implicated in offence in question. He would further submit that applicant is mother-in-law of the deceased and no custodial interrogation is required. He would lastly submit that charge sheet has been filed and applicant is in jail since 25/07/2015 therefore, she may be released on bail.

4. On the other hand, learned State counsel by referring dying declaration of the deceased dated 11/04/2015 would submit that she has clearly named the applicant and one co-accused person in the dying declaration and therefore, the present applicant 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; the manner in which deceased was subjected harassment and she was set ablaze after pouring kerosene oil upon her body; and the dying declaration of the deceased, this Court is not inclined to release the applicant on regular bail.

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