

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4922 of 2015**

- Anup Singh Mahobe, S/o Mahajan Singh Mahobe, aged 25 years, Resident of Kumharwati, Khati, Pushparajgarh, Police Station Amarkantak, District Anuppur (Madhya Pradesh)

Present Address: Jai Ambe Transport, Rawanbhat, Police Station Khamtarai, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Urla Raipur (Chhattisgarh)

---- Non-applicant

For Applicant:	Mr. Sushil Dubey, Advocate.
For Respondent/State:	Mr. R.K. Mishra, Deputy Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 157/14 registered at Police Station Urla, Raipur for the offences punishable under Sections 498A, 307, 304B & 201 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that in the intervening night of 22/23-07-2014 applicant assaulted his wife (since deceased) – Arti in connection with demand of dowry, as a result

of which, she suffered grievous injuries and succumbed thereto and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has falsely been implicated in the offence in question as he has not committed any offence. He further submits that applicant is in detention since 16.05.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State would submit that from the dying declaration of the deceased, it is apparent that in the intervening night of 22/23-07-2014 applicant (husband of the deceased) has assaulted the deceased and thereafter poured kerosene oil on her body and set her on fire.

(5) Taking into consideration the facts & circumstances of the case; further considering the dying declaration of the deceased, and the material collected and available in the case diary; and the fact that death occurred within four years of the marriage; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-