

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 3921 of 2016**

- K. Santosh Rao S/O Late K. Apparao Aged About 35 Years R/O Tankapara, Ward No. 10, Dongargarh, Thana - Dongargarh, Distt. Rajnandgaon Chhattisgarh (Fathers Name Wrongly Mentioned As Late K. Agrawal)

---- Applicant

**Versus**

- State Of Chhattisgarh Through : Thana - Dongargarh, Distt. Rajnandgaon Chhattisgarh

---- Respondent

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For Applicant : Mr. Sameer Singh, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**21.07.2016**

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 on 28-12-2014 in connection with Crime No. 485 of 2015 registered at Police Station Dongargarh, District Rajnandgaon (CG) for the offence punishable under Sections 302, 457 of the IPC.
2. As per prosecution case, on 27-12-2014 the applicant came to the house of deceased Heera Bai where some altercation took place between the applicant and deceased and thereafter the applicant poured kerosene over the body of the deceased and set her on fire as a result of which she sustained burn injuries and succumbed to those injuries and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, the applicant wanted to save

her and there is no evidence to connect the applicant with the crime in question. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 28-12-2015 and no further investigation is required, therefore, the applicant may be released on bail.

4. *Per contra*, learned State counsel opposing the prayer for grant of bail would submit that there is sufficient evidence to connect the applicant with the crime in question, therefore, he is not entitled to be released on bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the dying declaration of the deceased and also dehati nalsi wherein allegations have been attributed to the applicant that he had poured kerosene over the body of the deceased and thereafter set her on fire.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence has been committed and further considering the dying declaration of the deceased, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju