

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4186 of 2016

1. Kamlesh S/o Bhagat Ram Markande Aged About 35 Years R/o Katulboard, P.S. Mohan Nagar, Tahsil & District Durg Chhattisgarh
 2. Jageshwar S/o Bhagat Ram Markande Aged About 28 Years R/o Katulboard, P.S. Mohan Nagar, Tahsil & District Durg Chhattisgarh.
 3. Devendra S/o Bhagat Ram Markande Aged About 33 Years R/o Katulboard, P.S. Mohan Nagar, Tahsil & District Durg Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh Through : The District Magistrate Durg, District Durg Chhattisgarh
- Respondent**

For the applicants	:	Mr.N.S. Dhurandhar, Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 136 of 2016 registered at P.S. Mohan Nagar, Distt. Durg (C.G) for the offence punishable under Sections 302 & 498-A/34 of IPC.
2. As per the prosecution case, deceased Premshila Bai was subjected to torture for various reasons and on 17.03.2016 she was set on fire by applicant No.3 Devendra, the husband alongwith her brothers-in-law Kamlesh and Jageshwar, applicants 1 & 2 herein, thereby the offence is committed.
3. Learned counsel for the applicants submits that the applicant has been falsely implicated in this case and the charge sheet in this case has been filed and initially the deceased also tried to commit suicide. He further submits that the charge sheet has been filed and the applicants are in jail since

04.04.2016, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the dying declaration of the deceased.
6. Taking into consideration the dying declaration wherein the allegations have been attributed to these applicants, I am not inclined to release them on bail. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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