

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 727 OF 2016**

Banty @ Madan Prakash Sahu S/o Anil Sahu aged about 19 years R/o Hakim Nagar Sargaon Chowki Sargaon Police Station Pathariya District Mungeli (C.G.)

**---Applicant****Versus**

The State of Chhattisgarh, through the Station House Officer, Police Station Pathariya Chowki Sargaon District Mungeli (C.G.)

**---Non-applicant**


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|-------------------|---|--------------------------|
| For Applicant     | : | Mr. P.P. Sahu, Advocate. |
| For-Non-applicant | : | Mr. Avinash Singh, P.L.  |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****24/02/2016**

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. 207/2015, registered at Police Station Pathariya, District Mungeli (C.G.), for the offence

punishable under Sections 450, 354, 354-B, 302 of I.P.C. & Section 6 & 8 of the Protection of Children from Sexual Offences Act,2012.

2. Case of the prosecution, in brief, is that, on 05/09/2015 applicant murdered deceased Sumaiya Parveen by pouring kerosene oil upon her body and set her on fire and thereby committed aforesaid offence.

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 there is no evidence to connect the present applicant in offence in question. He would further submit that applicant is in jail since 06/09/2015 and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and relied upon the dying declaration of the deceased.

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; dying declaration of the deceased and the manner, in which, applicant is said to have murdered 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**