

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C(A).No.522/2016

Bhagat Ram, son of Roop Singh Markande, aged about 58 years,
r/o Katulbord, Police station Mohan Nagar, Tahsil and District Durg,
C.G. **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station
Mohan Nagar, District Durg, C.G. **Respondent**

For the applicant	:	Mr. N. S.Dhurandhar, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.07.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 136/2016 registered at P.S. Mohan Nagar, Durg, Distt. Durg (C.G) for the offence punishable under Section 498A, 307, 302/34 of IPC.
2. As per the prosecution case, a report was made by Sant Ram father of deceased Premshila Bai stating that the marriage of his daughter was performed with co-accused Devendra Markande in the year 2011 and out of the wedlock three children were born. She died because of burn injuries on 24.03.2016. The present applicant is father-in-law. The allegation is that deceased Premshila Bai was subjected to torture and on 17.03.2016 a quarrel took place on which her husband and the present applicant along-with other in-laws set her ablaze and during the course of treatment she died on 24.03.2016.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated and only allegation is that during such alleged commission of crime, the applicant only suggested that she may be brought down from first floor to ground floor and then he beaten, therefore, he has not participated in the aforesaid commission of crime and as such, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents which also contain the dying declaration. Considering such dying declaration and the gravity of offence and taking into degree of allegations levelled against the applicant, I am not inclined to admit him to anticipatory bail. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE