

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3597 of 2016**

1. Kripa Ram Gandhrav, S/o. Baldau Gandhrav, aged about 20 years,  
R/o. Village – Mohtara Teli, P.S. - Lormi, District – Mungeli (C.G.)

**----Applicant**

**Versus**

1. State of Chhattisgarh, Through : the Station House Officer, Police  
Station – Lormi, District – Mungeli (C.G.)

**---- Respondent**

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For Applicant : Mr. Mateen Siddiqui, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**13/07/2016**

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.305/2015, registered at Police Station – Lormi, District – Mungeli (C.G.) for the offence punishable under Section 302 of I.P.C..
2. Case of the prosecution, in brief, is that on 11.06.2015, Khusbu Sahu went out to answer the call of nature, the applicant was hiding himself and while, the deceased was carrying lamp, the applicant took away the burning lamp and poured the kerosene on her and set the deceased into fire. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the way the offence is said to have been committed it is impossible. It is contended that dying declaration of deceased was recorded and the deceased has

not named the applicant and actually the applicant was love affair with the deceased and the applicant was beaten on the date and the deceased set herself ablaze, therefore, no offence is made out against the applicant. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 07.07.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement. Perusal of the statement of Ghanshyam, who is eye-witness and father of the deceased, who has narrated the happening of the incident and the entire allegation have been attributed to this applicant. Taking into such statement, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

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