

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5349 of 2016

- Rajkumar Mandle S/o Bodhan Mandle Aged About 30 Years R/o Village Khamhariya, Out Post Chandanu, Police Station Nandghat, District Bemetara Chhattisgarh --- **Applicant**

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station - Nandghat, District Bemetara Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Govt. Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

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. 16 of 2016 registered at P.S. Nandghat, Distt. Bemetara (C.G) for the offence punishable under Section 302 of IPC.
2. As per the prosecution case, on 05.01.2016 the applicant committed murder of his mother Kera Bai. It is alleged that the applicant caused burns to her by forcibly putting down her head into a pan while the vegetables were boiling and thereby she sustained burn injuries and the joint of her right shoulder was dislocated. She was admitted in hospital and during the course of treatment, her dying declaration was recorded wherein categorical statement was made against this applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no evidence is available against him. He further submits that the charge sheet in this case has been filed and the applicant

is in jail since 11.01.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the dying declaration of Kerabai and statement of Bodhan Das, father of the applicant.
6. Considering the dying declaration and statement of father of the applicant, I am inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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