HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5655 of 2016

1. Jaymati, W/o. Bihari Sahu, Aged About 60 Years,
2. Fulmat, W/o. Sarvan Sahu, Aged About 35 Years,
3. Raj Kumar, S/o. Sarvan Sahu, Aged About 20 Years,

All are R/o. Village Amaldihi, P.S. Lormi, District Mungeli (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station- Lormi, District Mungeli (C.G.)

---- Respondent

For Applicants : Mr. B.M.K.Bajpai, Advocate

For Respondent : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.160/2016 registered at Police Station- Lormi, District Mungeli (C.G.) for the offence punishable under Section 302, 201, 120-B/34 of Indian Penal Code.

2. As per the prosecution case, one Kalyani died due to burn injury as fire caught into the house, consequently she died in such fire. It is alleged that the applicant No.1- Jaymati, who is Mother-in-law, applicant No.2- Fulmat, Sister-in-law and applicant No.1- Rajkumar, Nephew, along-with the Husband of the deceased conspired and committed murder of Kalyani and set the house on fire.

3. Learned counsel for the applicants would submit that no evidence is available against the present applicants and only on presumption

the applicants have been inculpated and also there is no eye-witness; therefore, the applicants may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. The merg intimation was made by the applicant No.1, Jaymati, wherein she stated that when she woke up then saw the house was under fire. Perused the Map wherein the incident happened. In the Map except one room other rooms are shown to have been used as Godown for keeping the Grains. The deceased died in a room which caught fire. Considering such fact, place of incident and photographs and further taking into fact that the applicants were inmates of the house at the time of incident in the night, I am not inclined to release the applicants on bail at this stage.

6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok