

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6104 of 2016

- Smt. Chanabai S/O Bisahu Ahirwar Aged About 50 Years R/O Mandisarai, Thana Janakpur Tahsil Bharatpur District - Koriya Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Thana Prabhari Janakpur, District Koriya Chhattisgarh

---- **Respondent**

For Applicant : Mr. Krishna Kumar Khatri, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05-10-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 11-8-2016 in connection with Crime No. 61 of 2016, registered at Police Station Janakpur, District Koriya (CG) for the offence punishable under Sections 498 and 307/34 of the IPC.
2. Case of the prosecution, in brief, is that the victim was married to one Shyam Sunder and there was a dispute between the family members and she was subjected to torture as a result kerosene oil was poured on her body and she was set ablaze by the present applicant, who is mother-in-law, as a result of which she sustained 25% burn injuries and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that had there been any intention, the applicant would not have

carried the victim to hospital for treatment which would show that the applicant has not committed any offence. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 11-8-2016 and no further investigation is required, therefore she may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the victim in which direct allegations have been attributed to the applicant that the kerosene oil was poured on her body and she was set ablaze by the prent applicant.
7. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, the manner in which the offence was committed and further considering the statement of the victim and the evidence available on record, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju