

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5906 of 2016

- Santosh Kumar Sahu S/o Lalji Sahu Aged About 24 Years R/o Kamalpur, Police Station Raghunathnagar, District-Balrampur-Ramanujganj, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station-Raghunathnagar, District- Balrampur- Ramanujganj, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. D. N. Prajapati, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.09.2016

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. 11 of 2016 registered at P.S. Raghunathpur, Distt. Balrampur-Ramanujganj (C.G) for the offence punishable under Section 302 of IPC.
2. As per the prosecution case, on 21.03.2016 a report was lodged by complainant Smt. Saroj Sahu that a dispute took place with her husband over cooking of food, therefore, she was set on fire by the present applicant. Later she succumbed to the burn injuries on 30.03.2016 during the course of treatment.
3. Learned counsel for the applicant would submit that two dying declarations recorded, one was on 22.3.2016 and the second one was recorded at Ambikapur on 23.03.2016. In first dying declaration it is stated that since the applicant has lost his temper, she was set on fire and there was no

intention to kill and in second dying declaration, it is stated by the deceased that she herself set on fire. Therefore, under the circumstances, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and statements.
6. Considering the facts and circumstances of the case, at this stage, this Court cannot function as trial Court to adjudicate upon such statements. it is for the trial Court to assess the contents of such statements along with other evidence as a whole and thereafter adjudicate the same. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**