

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6020 of 2016

1. Vippro Nahak, S/o. Late Shri Kapilo Nahak, aged about 57 years,
 2. Smt. Eena Alis Tanu, W/o. Vippro Nahak, aged about 45 years.
- Both R/o. Azad Nagar, Godaripara Block No.18/241 Chirmiri, P.S. Chirmiri, District – Korea (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Incharge P.S. - Chirimiri, District – Korea (C.G.)

---- Respondent

For Applicants : Mrs. Usha Chandrakar, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

04/10/2016

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 applicants who have been arrested in connection with Crime No.64/2016, registered at Police Station – Chirimiri, District – Korea (C.G.) for the offence punishable under Section 302, 34 of the Indian Penal Code, 1860.
2. As per the prosecution case, one Dheeraj Vishwakarma was set into ablaze on 24.11.2015 and it is alleged that the present applicants, who is father and mother of the Anjali poured kerosene on the deceased and set into fire as they did not like the relation to be developed by the deceased with their daughter, Anjali Nahak. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that Anjali Nahak has been enlarged on bail by this Court vide order dated 31.08.2016, in M.Cr.C.No. 4985/2016 on the basis of the statement of Abdul Sahid, wherein he has stated that the deceased himself poured kerosene on his body and set himself into ablaze. Therefore, the counsel submits that the applicants may also be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and referred to the statement of the deceased Dheeraj Vishwakarma.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of deceased Dheeraj Vishwakarma, wherein it is stated that mother of Anjali, Eena poured kerosene and some one set into fire, thereafter, he saw Vipro Nahak and Eena were running from the place. Considering such statement, I am not inclined to release the applicants on bail and the parity of the order can not be extended to the present applicants in view of the existing statement of the deceased.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge