

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6214 of 2016

1. Maniram S/o Bihari Sahu Aged About 28 Years R/o. Village Amaldihi, Police Station Lormi, District Mungeli Chhattisgarh
 2. Sarvan S/o Bihari Sahu Aged About 20 Years (Wrongly Written As Sakhan), R/o. Village Amaldihi, Police Station Lormi, District Mungeli Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Lormi, District Mungeli Chhattisgarh
- Respondent**

For the applicant	:	Mr. B.M.K. Bajpai, Advocate
For the Respondent	:	Mr. Anupam Dubey Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 160 of 2016 registered at P.S. Lormi, Distt. Mungeli (C.G) for the offence punishable under Sections 302, 201, 120-B/34 of IPC.
2. As per the prosecution case, one Kalyani died due to burn injuries as fire caught into the house. It is alleged that applicant No.1 Mani Ram who is husband and applicant No.2 who is brother in law (Jeth) conspired to kill Kalyani because they were not happy with the character of the deceased, as such, according to the conspiracy, she was firstly beaten and strangulated and thereafter was burnt.
3. Learned counsel for the applicants would submit that according to the prosecution itself applicant No.1 was not present in the house and he has gone to villages

Jhingaradongari and Munmuna to purchase goats when the incident happened and the house of applicant no.2 was far away and no iota of evidence is existing against the applicants, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. The bail petition of other co-accused Jaymati, Fulmat and Rajkumar has been dismissed by this Court in M.Cr.C. No. 5655 of 2016 on 20.09.2016. Perused the memorandum statement of Maniram. On the basis of memorandum statement of Maniram one kerosene tin was recovered from the spot and the death is also shown to be antemortem flame burns.
6. Taking into evidence available against applicant No.1 who is husband of the deceased, I am not inclined to enlarge him on bail.
7. However, with respect to applicant No. 2 Sarvan who is alleged to be Jeth of deceased, taking into nature of evidence which is collected by the prosecution, I am inclined to release him on bail.
8. Accordingly, the bail application of applicant No.2 Sarvan is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**