

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6737 of 2016

- Smt. Bandhanu Bai W/o Late Firtu Ram Aged About 58 Years R/o Village Puta, Police Station Pali, Civil & Revenue District Korba Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station Pali, Civil & Revenue District Korba Chhattisgarh

---- Respondent

For Applicants : Mr. Punit Ruperal, Advocate

For Respondent/State : Mr. Arvind Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-11-2016

1. This is 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 7-7-2016 in connection with Crime No. 106 of 2016 registered at Police Station Pali, District Korba (CG) for the offence punishable under Sections 302 and 307/34 of the IPC.
2. As per the prosecution case, deceased Geeta Rohitdas was daughter-in-law of the present applicant. On 28-6-2016 applicant along with other co-accused persons poured kerosene oil over the body of deceased and set her to fire as a result of which she got severe burn injuries and she died on 3-7-2016 during the course of treatment and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and there are two dying declarations, one is by Doctor and another is by the Executive Magistrate. The first dying declaration

recorded by the Doctor does not contain any fitness certificate of the deceased whereas in the second dying declaration recorded by the Executive Magistrate, fitness certificate of the deceased is attached. In the dying declaration recorded by the Executive Magistrate, no allegations are attributed to the present applicant. He would further submit that the charge-sheet has been filed in this case and the applicant is in jail since 7-7-2016, therefore, she may be released on bail

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perused the dying declarations recorded by the Doctor on 28-6-2016 as well as by the Executive Magistrate on 29-6-2016. In the first dying declaration direct allegations have been attributed to the present applicant that she poured kerosene oil over the body of deceased and set her to fire by other co-accused.
7. Taking into consideration the facts of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the dying declarations of the deceased, I am not inclined to release the applicant on bail at this stage.
8. Accordingly, the bail application filed by the applicant under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju