

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6917 of 2016

1. Smt. Gauri Markam, W/o. Pardeshi Markam, aged about 35 years, R/o. Bus Stand Dhamdha, P.S. - Dhamdha, District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: Station House Officer, Police Station – Dhamdha, District – Durg (C.G.) (Not properly printed in order impugned).

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/11/2016

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 applicant who has been arrested in connection with Crime No.227/2016, registered at Police Station – Dhamdha, District – Durg (C.G.) for the offence punishable under Section 294, 506, 323, 306/34 of Indian Penal Code.
2. As per prosecution case, on 22.07.2016, Dhaneshwari Bai committed suicide by setting herself ablaze. It is alleged that she was subjected to abetment by the present applicant, who is the sister-in-law as she poured kerosene on her before she set-herself ablaze on fire. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and in the dying declaration, the deceased has alleged the false allegation which is contradicted by

the other evidence. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 23.07.2016, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the dying declaration, wherein the deceased has stated that the applicant has poured kerosene on the deceased, thereafter, she committed suicide by setting herself ablaze. Taking into such facts without any observation on merits of this case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge