

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1357 of 2017

Shashank Dhruw, S/o. Gangaram Dhruw, Aged About 25 Years, R/o. Village- Matka, Police Station- Bemetara, Tashsil & District- Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

1. This is the 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 in connection with Crime No.431/2016 registered at Police Station- Bemetara, District Bemetara (C.G.) for the offence punishable under Section 307, 302, 120/34 of Indian Penal Code.
2. As per the prosecution case, a report was made on 06.08.2016 that one Prabha Dhruw was set to fire by the present applicant in conspiracy with her mother; consequently, she died.
3. Learned counsel for the applicant would submit that the dying declaration in this case was recorded wherein it shows that the deceased was set on fire by the mother of the present applicant and at the time of incident, the applicant was at Pune to earn his livelihood, which would be evident from the statement of

Manharan, who is neighbour; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of Manharan and the dying declaration wherein the entire allegation appears to have been attributed to the mother of the applicant. Considering the same and the role played by the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge