

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1641 of 2017

- Salim Mohammed S/o Mohammed Safi, Aged About 22 Years R/o Churi Line, Gole Bazaar, At Present Residing At Bye- Pass Chowk, Vrindavan Colony, Mungile, Police Station City Kotwali, Mungeli, District Mungeli , Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through, Station House Officer, Police Station-City Kotwali, District- Mungeli, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Akhil Mishra , Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-03-2017

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 on 26-12-2016 in connection with Crime No. 169 of 2016, registered at Police Station City Kotwali, Mungeli, District Mungeli (CG) for the offence punishable under Sections 307 and 506 of the IPC.
2. Case of the prosecution, in brief, is that on 16-12-2016 a report was made by injured Nazma Khan that on 11-12-2016 on phone call having received she went to the house of the applicant with whom she was in love relation. The applicant conveyed her that he is not going to marry her, thereafter she resisted the same and during altercation the applicant poured kerosene on the victim and set her on fire whereby she sustained 20% burn injuries 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, there was no occasion for the victim to go to the house of the present applicant at 10.30 pm and when the applicant refused to marry her, she herself tried to commit suicide. He would further submit that the report was made after four days of the incident, charge-sheet has been filed in this case, the applicant is in jail since 26-12-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the victim wherein direct allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations and degree of offence and further considering the statement of the victim, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed. However, the applicant is at liberty to repeat the same after examination of the victim girl.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju