

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2768 of 2017

- Rajkumar Banjare S/o Shri Shanker Banjare, Aged About 24 Years, Caste - Satnami, R/o Village Navapara, Achharidih Thana Tumgaon, Civil & Revenue District Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through Station House Officer, Police Station Tumgaon District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.205/2016 on 27-12-2016 by P.S. Tumgaon, District Mahasamund, C.G. for the offence under Section 302, 304B of the IPC. After investigation police had filed the charge sheet before the committal Court which is registered as Criminal Case No.18/2017. Learned counsel for the applicant would submit that total three dying declaration were recorded during investigation of the victim, wife of the applicant. Applicant and Omkumari married about 6 years prior to the incident. In subsequent two dying declaration the deceased made allegation against the applicant for his act involving him in the matter. Earlier the matter was registered under Section 307 of the IPC and when the deceased died during treatment, Section 307 is replaced by registering the matter under Section 302/304B of the IPC. Also in the earlier two statements recorded of Omkumari under Section 161 of the Cr.P.C. she had not made any allegation against the applicant that he poured kerosene oil and set her ablaze.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant and would submit that in the

present matter Section 113B of the Evidence Act is applicable. In two dying declarations Omkumari stated the role of the applicant for pouring kerosene oil to set her ablaze, hence, the evidence is of grievous nature.

4. Perused the entire material.

5. On consideration of the entire facts, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE