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HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 6477 of 2017

- Sushil Soni (Sona) S/o Shri Rajeev Sona, aged about 23 years, R/o Ward No.25, Sweeper Colony, House No.42, Behind DMS School, Mahasamund, P.S. Mahasamund, Civil & Revenue District Mahasamund (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Non-Applicant

For Applicant : Shri Sunil Sahu, Advocate.
 For Non-Applicant : Shri Adhiraj Surana, Deputy GA.

Hon'ble Shri Justice Prashant Kumar MishraOrder On Board29/11/2017

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.265/2017, registered at Police Station : Mahasamund, District Mahasamund for offence under Section 302 of the IPC.
2. The applicant was married with the deceased in the year 2012/2013. There are two dying declarations available in the case diary, the one was recorded on 27.1.2015 and the other one is in the form of case diary statement of the deceased recorded on 27.1.2015. In both the statements, the deceased is not making any allegation against the applicant. However, as per the case diary statement of Ashalata, Vijaya Das and Padma Das, it appears that when they enquired from the deceased about the cause of incident, the deceased informed them that the applicant has set her on fire. Ashalata thereafter moved an application before the concerned police for recoding of fresh statement/dying declaration of the deceased. After this, another case diary statement of the deceased was recorded on 5.2.2015 in the

presence of Ashalata, Vijaya Das and Padma Das. In this statement, the deceased has made allegations against the applicant that it is he who set her on fire and committed her murder.

3. Considering the quality of evidence available on record, the present is not considered to be a fit case for releasing the applicant on bail at this stage. Accordingly, the application is rejected. However, the applicant would be at liberty to revive his prayer after examination of Ashalata, Vijaya Das and Padma Das.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve