

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 8297 of 2016**

Bhagat Ram Markandey, S/o. Roop Singh Markande, Aged About 58 Years, R/o. Katul Board, Police Station Mohannagar, Tahsil & District Durg, Chhattisgarh.

**---- Applicant**

**Versus**

State Of Chhattisgarh, Through District Magistrate, Police Station Mohannagar, District Durg, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Aman Kesharwani, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**03/01/2017**

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.136/2016 registered at Police Station- Mohannagar, District Durg (C.G.) for the offence punishable under Sections 302, 498-A, 307, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Premasila died for the reasons that she was set to fire by the present applicant and other family members by pouring the Kerosene oil on her. She succumbed to the injuries on 24.03.2016.
3. Learned counsel for the applicant would submit that no allegations have been attributed against the present applicant who is father-in-law of the deceased. He further submits that the mother-in-law and daughter-in-law have been enlarged on bail and no one is to look after them, 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 and statement of the deceased Premasila. The dying declaration was also perused. In the dying declaration and statement, main allegation is attributed to the husband and brother-in-law and presence of the present applicant has been shown, who is father-in-law. Taking into such statement, without any observation on merit, 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