

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8522 of 2016

- Anil Kumar Sahu S/o Piladau, Aged About 32 Years R/o Village Mudpaar, Police Station Sarseenwa, Civil & Revenue District Baloda Bazar Bhatapaara, Chhattiagarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Sarseenwa, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Adil Minhaj, Advocate

For Respondent/State : Mr. Avinash Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 6-9-2016 in connection with Crime No. 148 of 2016 registered at Police Station Sarseenwa, District Balodabazar-Bhatapara (CG) for the offence punishable under Section 302 of IPC.
2. Case of the prosecution, in brief, is that on 3-9-2016 Teej Bai suffered burn injuries and eventually she died on 29-9-2016. She was married to present applicant in the year 2006. It is alleged that the applicant used to torture the deceased as they had a girl child, therefore, on 3-9-2016 applicant poured kerosene over the body of deceased and set her on fire whereby she sustained burn injuries and succumbed to death and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that initially on 3-9-2016 when deceased sustained burn injuries her statement was recorded by female Head Constable of the Police Station Raigarh, wherein it is stated that while she was cooking kerosene fell down and she sustained burn injuries by accident. Subsequently, after arrival of the parents of the deceased, her dying declaration was recorded wherein allegations are attributed against the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 9-12-2016 and no further investigation is necessary, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the deceased and female Head Constable and also dying declaration of the deceased wherein positive allegations have been attributed against the present applicant.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations and degree of offence and further considering the statements of the deceased and dying declaration, I am not inclined to release the applicant on bail.
8. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

