

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 584 of 2017

1. Jaymati W/o Bihari Sahu, Aged About 60 Years,
2. Fulmat, W/o Sarvan Sahu, Aged About 35 Years,
3. Raj Kumar, S/o Sarvan Sahu, Aged About 20 Years

All are R/o Village- Amaldihi, Police Station- Lormi, District- Mungeli Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through- The Station House Office, Police Lormi, District- Mungeli Chhattisgarh.

---- Respondent

For applicants - Shri B.M.K. Bajpai and Shri Sunil Verma, Advocates.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/03/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 20/09/2016 vide M.Cr.C. No.5655 of 2016.
2. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 160/2016 registered in Police Station Lormi, District Mungeli (C.G.) for offence punishable under sections 302, 201, 120-B/34 of the Indian Penal Code.
3. Case of the prosecution, in brief, is that one Kalyani died due to burn injury as fire caught into the house. It is alleged that the applicant No.1-Jaymati, who is mother-in-law, applicant No.2 Fulmat, sister-in-law and applicant No.3 Raj Kumar, nephew alongwith husband of the deceased conspired and committed murder of Kalyani and set the house on fire.
4. Learned counsel for the applicants submits that statement of

Laxman Sahu father of the deceased, Amrika Sahu mother of the deceased and Toran brother of the deceased have been examined, they have not stated anything against the applicants, therefore there is change of circumstances from the earlier rejection order dated 20/09/2016. Learned counsel therefore submits that the applicants may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. Perusal of the case diary would suggest that the witnesses who have been examined before the court below were placed at some distant place while incident happened whereas statement of the other witnesses suggest while death by burn was caused the applicants were also inmates of the house in the late night. Taking into such fact only because of the fact that three of the witnesses have been examined, I do not find any change of circumstances exists to reconsider this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE