

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 758 of 2018

Nirmala Dhruw W/o Gangaram Dhruw, aged about 46 years, R/o Matka, Police Station- Bemetra, District- Bemetara (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through : the Station House Officer, Police Station Bemetara, District- Bemetara (C.G.).

---- Respondent

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Respondent	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

26/03/2018

1. Heard.
2. The applicant has preferred this application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 431/2016, S.T. No. 82/2016 registered at Police Station- Bemetara, District- Bemetara (C.G.) for the offence punishable under Sections 302 and 120 (b) of the IPC.
3. Case of the prosecution is that on 06/08/2016, an information was received by the ward boy of Mekhara Hospital, Raipur to the effect that the deceased – Prabha was brought in the hospital in burning condition for treatment and on being asked for the reason of receiving burn injury, she has stated that her mother-in-law (present applicant) had poured kerosene oil while she was sleeping and set her on fire.

On the basis of such information, initially an offence under Section 307 of IPC was registered against the present applicant and co-accused Shashank Dhruw. However, later on after the death of deceased, offence under Section 302 and 120-B was registered.

4. Learned counsel appearing on behalf of the applicant submits the applicant is a lady and she is in custody since 17/08/2016. He further submits that when the incident occurred, the applicant was not present in the house and it is pure case of suicide. The room where the deceased was present was locked from inside, therefore, it is highly impossible that the applicant can commit the said offence. He further submits that total 8 witnesses have been examined by the prosecution, but they have not supported the case of the prosecution.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there was dying declaration of the deceased, in which, the name of present applicant is mentioned. The witnesses of the dying declaration have not been examined yet and there is sufficient evidence against the present applicant.
6. I have heard learned counsel for both the parties.
7. Considering the facts and circumstances of the case, particularly, the evidence available on record, this court is not inclined to release the applicant on bail.
8. Accordingly, MCRC. No.758/2018 is dismissed.

Sd/-
Judge
Arvind Singh Chandel