

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3669 of 2018**

- Jitendra Nishad S/o Bisauharam Nishad Aged About 33 Years R/o- Village- Lakhna, Police Station Gobra, Nawapara, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Gobra Nawapara, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Vimlesh Bajpai, Advocate.

For Non-applicant : Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19.07.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 63/2018 registered at Police Station – Gobra Nawapara, District – Raipur (C.G.) for the offence punishable under Section 306 of the Indian Penal Code.
3. Case of the prosecution, in brief is that the deceased, Ritu Nishad was resident of village Lakhna. Her marriage was solemnized with the applicant in year 2013. The applicant was mentally and physically harassing her. On 07.12.2017 near about 03:15 am, the deceased poured kerosine oil on her body and set her afire, resulting in succumbed on 11.12.2017 at Jawahar Lal Nehru Medical College, Raipur.
4. Learned counsel for the applicants argued that prima facie there is no abetment by applicant, in the dying declaration of the deceased she had not

narrated any role played by the applicant, he had tried to save life of the deceased, the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Though in the dying declaration it has not specifically mentioned that prior to the incident applicant had harassed her, but, this circumstance is not sufficient to enlarge the applicant on bail because other witnesses had made allegation against the applicant in their statements recorded under Section 161.

7. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE