

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3994 of 2018

Shiv Kumar Gupta S/o Vrijkeshwar Gupta, aged about 36 years, Occupation Service (Shiksha Karmi), R/o. Mo. D.C. Road, P.S. And Tahsil Ambikapur, District- Surguja (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Ambikapur, District- Surguja (C.G.).

---- Respondent

For Applicant	:	Ms. Hamida Siddique, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

03/07/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 221/2018 registered at Police Station- Ambikapur, District- Surguja (C.G.) for the offence punishable under Sections 307 and 498 read with 34 of IPC.
2. As per prosecution story on 28/04/2018 a written report has been lodged by the complainant- Khusbu, wherein, it has been mentioned that her marriage was performed with Santosh in the year 2012. It is alleged that after marriage, present applicant- Shiv brother-in-law, other co-accused Geeta, mother-in-law and Saraswati, sister-in-law of the complainant, used to beat, torture and harassed her on the demand of dowry. It is further alleged that on 26/04/2018, at about 7:30 am, the applicant along with co-accused Geeta and Saraswati

went to the room of the complainant and poured kerosene on her and then they set her on fire. While listening the shout of the complainant, husband of the complainant came and took her to the hospital for treatment. On the basis of said report, FIR was registered and the applicant was arrested on 28/04/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to enmity. She further submits that the applicant was residing separately from his family as he is a Sikshakarmi posted at Primary School, Khutenpara which is around 35 Kms away from Abmikapur. She further submits that on the date of incident, he was present at school from 7:00 am to 10:07, which is evident from the bio-metric sheet annexed as Annexure-A-6. Therefore, it is clear that at the time of incident i.e. 7:30 am, he was not present at the spot of occurrence. She further submits that the FIR has been lodged after two days and the delay has not been properly explained. The applicant is in custody since 28/04/2018, therefore, she prays for releasing of the applicant.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly the evidence collected by the prosecution and that the applicant is in custody since 28/04/2018, without further commenting on merit of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel

Rahul