

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5240 of 2018**

Krishna Chandra Saral, S/o Teeka Ram Saral, Aged About 30 Years Wrongly Mentioned As Seeta Ram Saral) Occupation- Labour, Resident Of Village- Padigaon, P. S. And Tahsil- Pusaur, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Pusaur, District Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vineet Kumar Pandey, Advocate
For the State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**24/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 43/2018 registered at Police Station Pusaur, District Raigarh (C.G.) for the offence punishable under Sections 498A, 304B/34 of IPC.
3. Case of the prosecution, in brief is that the marriage of the deceased was performed with the applicant five years ago. After the marriage applicant and his family members were harassing her on account of demand of motorcycle. On 20/02/2018 applicant, her brother-in-law, younger brother of the applicant, Veersen, her mother-in-law, beaten the deceased and poured the kerosene oil on her body and set her a fire. On 25/02/2018 deceased died.

4. Learned counsel for the applicant submits that applicant is innocent and 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. In dying declaration recorded by Executive Magistrate on 21/02/2018 deceased stated that while lighting the lamp her sari caught fire.
7. Other co-accused Smt. Chandan Tula, Ku. Saraswati, Ku. Sushmita, Tikaram Saral are already enlarged on anticipatory bail. Veersen Majhi is enlarged on regular bail. The case of the applicant is not more severe than the aforesaid co-accused.
8. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent against the applicant, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
9. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge