

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7852 of 2017**

Rasheed Khan, S/o. Shri Majeed Khan, Aged About 25 Years, R/o. Village Chherkabandha, Police Station -Kota, Tahsil – Kota, District -Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Kota, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. D.C. Verma, Advocate

For State/respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.259/2017, registered at Police Station – Kota, District – Bilaspur (C.G.), for the offence punishable under Section 307 and 302 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the charge-sheet. The deceased has put thumb impression on her dying declaration but looking to the percentage of burn injuries on her body, putting thumb impression in the dying declaration itself makes dying declaration doubtful. It is also submitted that the deceased stated reason, that as she did not attend the calls made by this applicant on

her mobile phone, the applicant got enraged and he set her ablaze only for this reason, but the call details that are available in the case concerned, do not show any such calls made by this applicant, hence, the case of the prosecution is full of doubt. Therefore, the counsel prays that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the deceased had made dying declaration before the Executive Magistrate making direct allegation against this applicant that he was the person, who poured kerosene and set her body ablaze, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution against this applicant is briefly discussed hereinabove.
6. As there is evidence of dying declaration recorded by Executive Magistrate, hence whatever the submission that are made on behalf of the applicant are required to be proved in defence before the trial Court, at present I am of this view that the applicant does not deserve to be granted regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge