

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8907 of 2018**

Rakesh Dahre @ Mangloo, S/o Ratnu Dahre, aged about 26 years, R/o Village Limtara, Police Station Simga, District Balodabazar Bhatapara (CG).

---- Applicant

Versus

State of Chhattisgarh, through Police Station Simga, Civil & Revenue District Balodabazar (CG).

---- Non-applicant

For Applicant	: Mr. Ravi Maheshwari & Mr. B.L. Sahu, Advocates
For Non-applicant/State	: Mr. Neeraj Kumar Sharma, Dy.G.A.
For Complainant	: Mr.C.P. Lahrey, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.12.2018

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.237/2018 registered in Police Station Simga, Civil & Revenue District Balodabazar for the offence punishable under Sections 307, 498-A, 147/34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant is brother-in-law (Jeth) of complainant Nandini Dahre. She is a resident of village Limtara. On 29.07.2018 at about 7:00 p.m., the applicant and co-accused Dilip Chature, Bharat Kumar, Kundan Chature, Faleshwar reached in the house of prosecutrix. The applicant poured kerosene oil on the complainant and tried to set her on fire by matchbox.
4. Counsel for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the present case and as such the applicant may be released on bail.
5. On the other hand, counsel for the State would oppose the prayer for grant of bail to the applicant. He further submitted that there are five cases, out of which, two under of CrPC, two under of IPC and one under of Gambling Act have already been registered against the applicant in police case diary.
6. Counsel for the applicant further submitted that four others co-accused have already been released on bail by co-ordinate bench of this Court by order dated 30.10.2018 passed in M.Cr.C. No.7815 of 2018 (Dilip Chature & Others Vs. State of Chhattisgarh) and the said complainant had made no objection at the time of third bail application of the applicant before the Trial

Court, which has been mentioned in the certified copy of order dated 27.10.2018.

7. The case of the applicant is totally different as comparison to the other co-accused, who have already been released on bail. The case of the applicant is more severe than those co-accused.

8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and 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.

9. Consequently, the bail application is rejected.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-