

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1036 of 2019**

Dameshwar Das Sahu S/o Late Bisesar Das Sahu Aged About 32 Years  
R/o Village - Jevartala, Police Station - Devri, Tahsil - Doundilohara,  
District - Balod Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station -  
Devri, District - Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Respondent

|                   |   |                                |
|-------------------|---|--------------------------------|
| For the Applicant | : | Shri D.N. Prajapati, Advocate  |
| For the State     | : | Shri Vinod Tekam, Panel Lawyer |

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**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****25/02/2019**

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.72/2018 registered at Police Station Devri, District Balod (C.G.) for the offence punishable under Section 498-A, 306 of IPC.
3. Case of the prosecution, in brief is that applicant is the husband of the deceased Devkumari. Their marriage was performed eight years prior from the date of incident. Applicant was harassing deceased frequently. On 03/06/2018 she poured kerosene oil on her and set her at fire. Consequently she died on 31/08/2018.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant.
6. Counsel for the applicant further submitted that during eight years no complaint was lodged against the applicant. He has two small children. He is in jail since 19/09/2018. In the case in hand Section 107 of IPC does not attract, thus he may be released on bail.
7. Looking to the facts and circumstances of the case, at this stage *prima facie* it cannot be said that Section 107 of IPC does not attract in the case in hand.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-

**(Sharad Kumar Gupta)**  
Judge