

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2466 of 2019

- Rajesh Sahu S/o Puranlal Sahu, Aged About 34 Years, R/o Bazar Para, Farsiya, Post Office and Police Station Nagri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Nagri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-12-2018 in connection with Crime No.106/2018 registered at P.S. - Nagri, District Dhamtari, Chhattisgarh for the offence under Section 306 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 24-12-2018. Deceased Khemlata Sahu was wife of this applicant, she set herself ablaze on the date of incident, for which this applicant is not at all responsible. This fact is disclosed from the dying declaration given by the deceased before the death on 12-06-2018 before the Executive Magistrate. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that apart from the deceased herself, her son and daughter also suffered burn injuries in the same incident and both of them have also expired. Therefore, the allegation against the applicant has gravity. Hence, the

application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on the date of incident, i.e., 06-06-2018 the deceased set herself ablaze and while she was burning her son and daughter also came near her and caught fire. The deceased died on 12-06-2018. After merg enquiry the FIR has been registered on 23-12-2018 against this applicant.

6. Considering the fact that there is delay in lodging the FIR and further undisputedly there is dying declaration of deceased Khemlata Sahu who has not made any allegation against this applicant, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge