

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2848 of 2019**

Ramsakal Singh, S/o Shri Ishwar Singh, aged about 36 years, R/o Village Pendari, P.S. Chandani, District Surajpur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Chandani, District Surajpur (CG).

---- Non-applicant

For Applicant	: Mr. Surfaraj Khan, Advocate
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

27.06.2019

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.52/2018 registered in Police Station Chandani, District Surajpur for the offence punishable under Section 302 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant is the husband of deceased Smt. Lakhpatiya Singh. On 28.08.2018 in the night, he quarreled with deceased Lakhpatiya, poured kerosene oil on her body and set her on fire. During the treatment, she died on 02.09.2018 at Hospital Surajpur.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that there was gap between 28.08.2018 to 02.09.2018, the dying declaration of deceased could have been recorded, but there is no explanation from the prosecution side for not recording dying declaration. The relatives of deceased have falsely implicated the

applicant in the case and as such the applicant may be released on bail.

5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.

6. Looking to the facts and circumstances of the case, looking to the material available on record against the applicant, looking to the statements of some witnesses recorded under Section 161 of CrPC, 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.

7. Consequently, the bail application is rejected.

8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-