

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 7769 of 2018

- Dallu Barle S/o Baisakhu Ram Barle Aged About 32 Years R/o Patharkundi Police Station -Kharora District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kharora District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Ms. Smita Jha, Advocate.

For Non-applicant : Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board21.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 57/2018 registered at Police Station – Kharora District Raipur (C.G.) for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.
3. Case of the prosecution, in brief is that on 16.12.2017 at about 19 hours in the pond of the village Pathrakundi burnt dead body of the deceased Sunita Bai was found. Applicant is the husband of the deceased. It is said that deceased had left her marital house on 13.12.2017 without intimating to anyone. During the investigation it was found that on 14.12.2017 applicant had phoned Bhagabai Chelak that deceased is no more. On the memorandum of applicant one plastic zercan containing 5 litre kerosene oil were seized from him.

4. Learned counsel for the applicant argued that the applicant has no criminal background, he is innocent, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent registered against the applicant.
6. Counsel for the applicant drew my attention on the postmortem report dated 17.12.2017 wherein it has been mentioned that duration of the death is within 24 hours prior to the postmortem examination. Thus, it cannot be said that on 14.12.2017 applicant had knowledge of death of the deceased, thus he may be released on bail.
7. What would be the effect of this fact that applicant had allegedly intimated to Bhaga Bai Chelak on 14.12.2017 that deceased is no more, would be considered by the trial Court at the time of disposal of the case.
8. Looking to the facts and circumstances of the case, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE