

HIGH COURT OF CHHATTISGARH, BILASPUR
M.CR.C. No. 9683 of 2018

Arjun Singh Rajput S/o. Baijnath Singh Aged About 23 Years R/o
 Sirsakhas, Police Station Sirsaganj, District Firojabad U. P.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station
 Ajak Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/01/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.106/2018, registered at Police Station – AJAK, Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 302, 307, 342, 449 of the Indian Penal Code and Section 3 (2) (5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. There is no eye-witness to make statement that this applicant was the person, who had set fire to the house, in which the deceased and others were taking rest, which has resulted in death of deceased Mona Singh. Therefore, it is prayed that the applicant may be enlarged on bail.

3. Per contra learned State counsel opposes the bail application and the submission made in this respect. It is submitted that according to the dying declaration recorded of the deceased Mona Singh, there is clear statement that this applicant was the person, who set fire to the house, in which deceased and others were sleeping inside, which has ultimately resulted in her death. Therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case of the prosecution in brief is this that because of the property dispute and enmity, the applicant poured kerosene oil on the house of the deceased, in which she and others were sleeping and set fire to the house and also closed the door from outside as a result of which one of the injured Mona Singh died and one Shankar Ravi and Lado suffered burn injuries.
6. Considered the submissions made and the contents of the case diary. Looking to the evidence present in this case for prosecution of the applicant, I do not feel inclined to allow this application.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge