

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 10087 of 2018**

Kunti Bai, aged about 50 years, W/o Jamuna Prasad Yadav, R/o village Kanharbahra, Khadgawa, Thana and Tahsil Khadgawan, District Koriya (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Khadgawa, District Koriya (CG).

---- Non-applicant

For Applicant : Mr. Parag Kotecha, Advocate

For Non-applicant : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.01.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and her no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.118/2018 registered in Police Station Khadgawa, District Koriya for the offence punishable under Sections 307 read with 34 of Indian Penal Code.
3. Prosecution story in brief is that the complainant Sangeeta Yadav was aged about 82 years old. She is a resident of village Kanharbahra. On 06.09.2018 the applicant and co-accused had beaten the said complainant and poured kerosene oil on her body and they set her on fire. 50% of her body was burnt.
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 the applicant has not poured the kerosene oil on the body of the complainant and she has also not ignited the matchstick and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the prayer for grant of bail to the applicant 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 percentage of burnt body of the complainant, 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. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE