

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.3680 of 2020**

- Laxman Verma, S/o Shivcharan Verma, Aged About 29 Years R/o Village - Kareli, Police Station - Simga, District - Baloda - Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through - S. H. O. - Police Station - Simga, District - Baloda - Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For Respondent/State	:	Shri Alok Bakshi, Addl.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/08/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.339/2019 registered at Police Station Simga, District Baloda Bazar-Bhatapara for the offence punishable under Section 302 (Twice), 201 & 436 of IPC. The applicant was arrested on 26-08-2019.
2. Case of the prosecution is that the applicant was having dispute with the deceased over property and with this animosity, the applicant set on fire the house of the deceased (his sister-in-law), in which, Sister-in-law and minor child died by burning.
3. Learned counsel for the applicant submits that he has been involved in the incident only on the basis of suspicion. Learned counsel for the applicant next submits that the intimation lodged by his uncle itself discloses that the applicant had informed him regarding burning of the house of the deceased. Learned counsel for the applicant further submits that the prosecution story

itself shows that the house was bolted from inside. It is lastly submitted that there is no material to show that the applicant had set the house of the deceased on fire and recovery of container in his house is immaterial as it is commonly found.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that from the case diary and the charge sheet, it is reflected that the applicant and deceased (his sister-in-law) had a dispute over the property. The applicant's father in his statement recorded under Section 161 of Cr.P.C. has stated that the applicant used to threaten the deceased time and again and about one month before the date of incident, the applicant had attempted to assault the deceased with the help of club. There are other statements, which also point out that there was a property dispute going on between the applicant and the deceased and the applicant had held out threat to the deceased. The postmortem report shows that there was smell of kerosene. No Kerosene bottle was found in the house of the deceased, but it was found from the house of the applicant.

5. Taking into consideration the submission of learned counsel for the parties, material collected by the prosecution, statement of witnesses regarding previous animosity between the applicant and the deceased, kerosene recovered from the house of the applicant, postmortem report showing presence of kerosene and there being no article seized from the house of the deceased showing presence of kerosene in any container, I am not inclined to enlarge the applicant on bail.

6. Accordingly, the application is rejected.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge

