

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4452 of 2020**

- Rupesh Kumar Sahu son of Mahaveer Sahu, aged about 35 years, at present resident of Village- Simda, Police Station Tapkara, District Jashpur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S. H. O. - Police Station - Tapkara, District Jashpur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. J.K. Saxena, Advocate.
For Respondent/State	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.08.2020**

1. The applicant has filed this **Second Bail Application** under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 81/2019 registered at Police Station : Tapkara, District Jashpur (C.G.) for the offence punishable under Section 306 of the I.P.C.
2. First bail application of the applicant was dismissed by this Court on 13.02.2020 in MCRC No. 117/2020 and a liberty was given to the counsel for the applicant to renew this bail application after examination of material witnesses.
3. As per the prosecution case, the allegation against the present applicant is that on 02.04.2019 the applicant set his wife/deceased on fire due to which, during treatment on

09.04.2019 she died. Thereafter, on the basis of dying declaration of the deceased, after investigation, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as per the liberty granted by this Hon'ble Court, some material witnesses have been examined and they have not supported the prosecution case. He next added in his submission that the applicant is in jail since 03.09.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
5. On the other hand, State counsel strongly opposes the bail application submitting that deceased herself stated the name of applicant in her dying declaration, therefore, the present applicant may not be granted bail.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the totality of the facts and circumstances of the case, nature and gravity of the case and particularly dying declaration of the deceased, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge