

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4939 of 2020**

- Kheleshwar Sahu, S/o Shri Hariram Sahu, Aged about 26 years, R/o Village Khaprti (M), Post Nipinia, District Balodabazar, PS Nipinia, District Balodabazar, Civil & Revenue District Balodabazar (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through: Police Station D.D. Nagar, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Rajeev Shrivastava, Advocate.
For Respondent/State : Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/09/2020**

1. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 204/2019 registered at Police Station- D.D. Nagar, District Raipur (C.G.) for the offence punishable under Section 304(B) of the Indian Penal Code, 1860.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses by this Court on 20.12.2019 in MCRC No. 6955/2019.
3. The case of the prosecution in brief is that the present applicant torturing his wife for dowry, before the date of incident he sent back to her matrimonial house to bring money and on 06.11.2018 he procure kerosene oil and set her on fire, succumb to injury, during treatment she died on 14.11.2018. Merge statement of her father recorded same date and deceased stated

in her statement that the applicant set her on fire. Thereafter, offence has been registered against the present applicant and he has been taken into custody.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the deceased died after 8 days from the date of incident, till her death no dying declaration recorded by the prosecution. He next submits that the applicant is in jail since 19.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the present applicant did a very heinous crime, therefore, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, 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

Vasant