

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4994 of 2020**

- Surendra Kumar Verma, aged about 23 years, S/o Dharamdas Verma, By Caste Lodhi, R/o village Thakurtola Chowki Mohara, Thana and Tahsil Dongargarh, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station - Dongargarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant.	:	Smt. Bhavika Kotecha and Shri Parag Kotecha, Advocates.
For Respondent.	:	Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15/09/2020**

1. The applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 17.01.2020 in connection with Crime No.27/2020 registered at Police Station : Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 307 and 302 IPC.
2. The prosecution story, in brief, is that in a dispute between the applicant and deceased, a panchayat meeting was convened wherein fine of Rs.15,000/- had been imposed upon the applicant. The applicant being annoyed of this, took the deceased on his motorcycle to jungle, poured kerosene oil on her and set her ablaze. During the course of treatment, the deceased succumbed to burn injuries. Based on this, the offence has been registered. The present applicant has been taken into custody on 17.01.2020.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. She also submits that there is no eye-witness to the incident and the applicant has been implicated only on the basis of suspicion. She further submits that there is no evidence regarding the presence of the applicant at the place of incident and the police has failed to produce any evidence against the applicant. It is next submitted that the applicant is in jail since 17.01.2020, charge sheet has been filed and there is no likelihood of his case being decided in near future and, therefore, he may be released on bail.
4. On the other hand, State counsel opposing the bail application submits that there is dying declaration of the deceased in which she has named the present applicant and categorically stated that it is the applicant who poured kerosene oil on her and set her ablaze.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, gravity of offence and further considering the quality of evidence, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-
(Rajani Dubey)
Judge