

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 6936 of 2020**

- Smt Rajmoti Chouhan, w/o Shri Heeralal Chouhan, aged about 40 years, r/o village-Deopur, Thana- Rajadeori, Civil & Revenue Distt-Balodabajar- Bhatapara

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Rajadeori, Police Outpost- Baya, Distt – Balodabajar- Bhatapara (CG) ---- **Respondent**

For Applicant : Shri Sunil Sahu, Advocate

For Respondent/State : Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14.12.2020

1. Applicant has preferred this application under Section 439 CrPC for grant of regular bail as he has been arrested in connection with Crime No.34 of 2020 registered at Police Station Rajadeori, Police Outpost-Baya, Distt- Balodabajar- Bhatapara CG for the offences punishable under Sections 302 and 307 r/w 34 of the IPC.
2. Case of the prosecution in brief is that on 09.05.2020, deceased Anupama, wife of co-accused Vasudev Chouhan was cooking food in the kitchen. Present applicant along with Vasudev Chouhan came there, put kerosene oil over Anupama and lit her on fire. She was taken to the hospital. Her statement was recorded under Section 161 of the CrPC on 18.05.2020 and 28.05.2020 in which she has stated that her husband Vasudev Chouhan was having some illicit relationship with the present applicant and he was habitual drinker, on account of which he sold most of the articles of '*streedhan*'. In the morning co-accused Vasudev Chouhan came drunken and quarrelled with her. Vasudev went outside and came again to the house after sometime along with the present applicant. Both of them were in intoxicated condition. When the deceased was cooking food in the kitchen, they pour kerosene and lit her on fire. One Sanjay Chouhan, who was sitting outside the house, after

hearing hue and cry of Anupama, found some person burning on fire, he tried to save her by putting water on her.

3. Shri Sunil Sahu, learned counsel for the applicant submits that the deceased was taken to the hospital and initially on 18.05.2020, she stated that she accidentally came into contact with fire. She gave different statement on different dates and therefore, her statement cannot be relied upon at this stage.

4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that there is specific allegation levelled by the deceased against applicant in her statement recorded by Magistrate on 18.05.2020 and 28.05.2020 that the applicant and one co-accused, husband of the deceased have set the applicant on fire by pouring kerosene. He also submits that in the statement of Sanjay, who specifically stated that jerry-can of kerosene oil was lying near the place of incident without cap which shows the allegation levelled against the present applicant to be correct.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegations and the statement of deceased, as well as the statement of witness Sanjay Chouhan, I am not inclined to enlarge the applicant on bail.

7. Accordingly, bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
JUDGE