

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6253 of 2019**

- Hemlal Chouhan S/o Manaram, Aged About 44 Years R/o Village - Taulidhih, Police Station - Bilaigarh, District - Baloda - Bazar - Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S. H. O. - Police Station - Bilaigarh, District - Baloda - Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Hemant Gupta, Advocate.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.01.2020**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 103/2019 registered at Police Station : Bilaigarh, Civil & Revenue District Baloda-Bazar Bhatapara (C.G.) for the offence punishable under Section 302/34 of I.P.C.
2. As per the prosecution case, on 05.04.2019 deceased Bindu Chouhan had died due to burn injuries. Thereafter, on the basis of dying declaration of the deceased, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He further submits that deceased was suffering from epilepsy so she was behaving unnatural and due to that when she was cooking food, she became out of control and incident took place and at the time of incident the present applicant was not present at the spot. He next submitted that the present applicant is the father-in-law of the deceased and there was no whisper of demand of dowry. Applicant is in jail since 30.05.2019 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.

4. 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.
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, 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.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**