

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6642 of 2020**

- Bhagmaniya Yadav, W/o Shri Arjun Ram Yadav, aged about 68 years, R/o village Mandalpara, P.S. Baikunthpur, District Koriya (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Baikunthpur, District Koriya (C.G.)

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Samir Uraon, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/01/2021**

1. The applicant has preferred this second bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as she is arrested in connection with Crime No.195/2019, registered at Police Station - Baikunthpur, District Koriya (C.G.) for the offence punishable under Sections 304-B/302 IPC.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file the same after examination of material witnesses.
3. The prosecution story, in brief, is that On 29.06.2019 when deceased Smt. Gayatri Devi was cooking meal in her house, at 6.30 am the applicant who is mother-in-law of deceased, came there, some quarrel took place between them in which the applicant poured kerosene oil on deceased Gayatri Devi

and set her ablaze, thereafter, the applicant fled away from the spot. Upon hearing the scream of deceased, her husband came there, who took her to hospital where her statement was recorded and on 03.07.2019 she succumbed to the burn injuries. Based on this, offence has been registered. The present applicant has been taken into custody on 27.08.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that Govind Prasad Yadav (PW/1), brother of the deceased, has stated in para 9 and 10 of his evidence that deceased herself stated that she caught fire while cooking food and nobody set her ablaze. He also submits that there are two dying declaration of the deceased. In one dying declaration, she stated that she caught fire while cooking and in another dying declaration she stated that the applicant set her on fire. He also submits that the present applicant is in custody since 27.08.2019, charge sheet has been filed and there is no likelihood of her case being decided in near future. Therefore, she may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application.
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, in particular the quality of evidence, I am not inclined

to release the applicant on bail.

8. Accordingly, the bail application is rejected. However, the trial Court is directed to conclude the trial as early as possible, preferably within a period of six months from the date of receipt of copy of this order.

Sd/-

(Rajani Dubey)
Judge

Pekde