

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 950 of 2021**

Sanjay Kumar Dewangan S/o Shri Devdhari Dewangan Aged
About 23 Years R/o Village Ramnagar, Police Chouki
Wadrafnagar, Police Station Basantpur District Balrampur
Ramanujganj Chhattisgarh. --- **Applicant**

Versus

State of Chhattisgarh through Police Station A.J.K. Balrampur,
District Balrampur Ramanujganj Chhattisgarh ---
Respondent

For the applicant : Mr. Rohitashwa Singh, Advocate.
For the State : Mr. Raghavendra Verma, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****08.12.2021**

1. The challenge in this appeal is to the order dated 16.08.2021 (Annexure A-1) passed by the Special Judge (SC/ST Act) District Balrampur, Ramanujganj in Crime No.17/2021 registered at Police Station A.J.K. Balrampur, District Balrampur Ramanujganj for the offence punishable u/s 302 of IPC and sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 whereby the bail application has been rejected.
2. As per the prosecution case, one Sumitra died because of burn injuries on 22.05.2021. It is alleged that she was in love affairs with the present applicant and since her marriage was fixed with some, as such, he started consuming liquor and because of that issue, quarrel used to take place between the applicant and deceased. It is alleged that on the date of incident, the deceased was burnt in the house of the present applicant, as a result of which, she died.

3. Learned counsel for the applicant submits that there is no motive in this case and initially the case was registered u/s 306 of IPC and subsequently it was converted to section 302 of IPC. He would submit that the statement of Jai Ram (P.W.1) would show that the present applicant has not poured Kerosene oil on the deceased to cause burn injuries, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes grant of bail.
5. Perused the statement of Jairam (P.W.1). Having considered the same, at this stage, this Court while deciding the bail would not go into the issue by interpreting the evidence of Jairam. It is for the trial Court to decide the issue along-with other circumstantial evidence. Considering the facts of this case, I am not inclined to allow this appeal. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**