

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7876 of 2020

Surendra Singh @ Mona S/o Balwant Singh Aged About 35 Years R/o Subash Chowk, Behind Government School, School, Camp-1 Pragati Nagar Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Chhawani, Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Anurag Jha, Advocate
For State	:	Shri Lalit Jangde, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/01/2021

Heard.

1. The applicant is arrested in connection with Crime No.297/2020 registered in Police Station- Chhawani Thana, Bhilai, District -Durg (CG) for alleged commission of offence under Section 307 IPC.
2. Case of the prosecution, in brief, is that the applicant, with intention to cause death, set his wife ablaze in which wife sustained burn injuries on various parts of the body including vital parts.
3. Learned counsel for the applicant would submit that the applicant is being falsely implicated and the so called burn injuries are caused for reasons other than the allegation levelled against the applicant. Though the applicant's wife is not making any such allegation, father-in-law lodged report in the police

station on 5.6.2020 making false allegation against the applicant that the applicant set his wife ablaze to kill her. He would further submit that even before the Court below, the wife has stated that she is not willing to prosecute her husband and then an application for compounding the offence was filed though it was rejected because the offence under Section 307 IPC is not compoundable. Nevertheless, this shows that the allegation of prosecution that the applicant set his wife ablaze suffers from serious doubt and it appears to be a case of false implication.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that on the date of incident itself, victim was admitted in the hospital in burnt condition and there, her statement was recorded by Executive Magistrate in which it was clearly stated that she sustained burn injury on account of she having been set ablaze by her husband by pouring petrol on her. Learned State counsel submits that there are statements of other prosecution witnesses including neighbours who has stated that victim had come to their house stating that in a quarrel between her and husband, husband poured petrol and set her ablaze.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the material on record, particularly taking into consideration the burn injury and the statement of the victim and that allegation is that the applicant/husband has set his wife ablaze with intention to cause death, I am not inclined to allow the application.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge