

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7854 of 2020**

- Govind Pandey S/o late Bholanath Pandey, aged about 37 years, R/o village Purani Basti, Ward No.4, Kharsiya, Police Station Kharsiya, District Raigarh (C.G.) Presently R/o Champa, Police Station & Tahsil Champa, District Janjgir-Champa (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through : District Magistrate, Janjgir, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Shri Punit Ruparel, Advocate.
For Respondent	:	Shri Rakesh Sahu, Dy. G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/02/2021**

1. The applicant has preferred this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.410/2019, registered at Police Station – Champa, District Janjgir-Champa (C.G.) for the offence punishable under Section 302 IPC.
2. Earlier bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses.
3. The prosecution story, in brief, is that the applicant was suspecting fidelity of the deceased (wife) and, on the date of incident i.e. on 08.10.2019, he poured kerosene oil on her and set her ablaze. On 12.10.2019, his wife succumbed to the burn injuries in the hospital during the course of treatment. During investigation, memorandum statement of son of deceased namely Ayushman Pandey was recorded, based on which, offence has been registered. The present

applicant has been taken into custody on 27.11.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that all the material witnesses including Ayushman Pandey (PW/1), son of deceased, and Raj Kumar Tiwari (PW/2), father of deceased, have been examined in the case and they have not supported the prosecution case before the trial Court. He also submits that the applicant is languishing in jail from 27.11.2019 and considering the detention period of the applicant, he 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 case diary, including the statements of material witnesses.
7. Considering the totality of the facts and circumstances of the case, in particular the statement of Ayushman (PW/1) and Raj Kumar Tiwari (PW/2), son and father of the deceased respectively, and further considering the detention period of the applicant, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge