

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9542 of 2021**

1. Smt. Dukala Bai @ Duklaha Kurre wife of Jailal Kurre, aged about 56 years.

2. Smt. Naini Kurre, wife of Hasan Kurre, aged about 22 years.

Both are resident of village Khola (wrongly mentioned as Kholha in the impugned rejection order), P.S. Abhanpur, District Raipur (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Abhanpur, District Raipur (C.G.)

---- Respondent

For Applicants : Mr. C.R. Sahu, Advocate.
For Respondent. : Mr. G.I. Sharan, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/12/2021**

1. The applicants have filed this **second** bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody since 23.12.2019 in connection with Crime No.636/2019 registered at Police Station : Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 302, 307 and 34 of the Indian Penal Code.
2. The prosecution story, in brief, is that deceased Saraswati Sonwani was in love with Lallu Satnami. On 18.12.2019 at about 6.00 pm, Lallu Satnami called the deceased to his house. When the deceased went to the Lallu's house, the present applicants sent this Lallu to somewhere else, thereafter a quarrel took place between the present applicants and deceased in which it alleged that the applicants poured kerosene oil on her and set her ablaze.

Based on this, offence has been registered. The present applicants are in jail since 23.12.2019.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He also submits that the deceased herself poured kerosene oil on her and set her ablaze. He further submits that the applicants are ladies, they are in jail since 23.12.2019, charge sheet has been filed and there is no likelihood of their case being decided in near future and, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposing the bail application submits that after the incident of burning, the victim was taken to hospital where her dying declaration was recorded by Executive Magistrate on 21.12.2019, wherein she has specifically named the present applicants that they poured kerosene oil on her and set her ablaze.
5. Having heard learned counsel for the applicants, I am not inclined to release the applicants on bail in view of the deceased's dying declaration and the statement of Doctor who has certified that the deceased was fully conscious and well oriented at the time of recording of her dying declaration.
6. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

Sd/-

(Rajani Dubey)
Judge