

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3057 of 2018**

- Rajkumari Tandon W/o Chandra Prakash Tandon Aged About 52 Years R/o Village Jhithania, Police Station Fasterpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, Police Station Fasterpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant : Shri Rupesh Shrivastava, Advocate.

For Respondent. : Shri Majid Ali, P.L.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****30/05/2018**

Heard.

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 30.12.2017 in connection with Crime No.37/2017 registered at Police Station : Fasterpur, District Mungeli(C.G.) for the offence punishable under Sections 498A, 326, 307 & 302/34 of IPC.
2. The case of prosecution is that the applicant and co-accused murdered Seeta Bai by setting her ablaze.
3. Learned counsel for the applicant submits that the case of prosecution is highly doubtful because the prosecutrix had sustained 87% burnt injury and was not in a position to give any dying declaration. It is further submitted that the

applicant is in jail since 28.12.2017. Investigation is complete, charge-sheet is filed, therefore, at this stage, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that in view of dying declaration made by the deceased, a *prima facie* case is made out.
5. Having considered the submissions made by learned counsel for the parties, particularly the fact that prosecution case is based on dying declaration of the deceased, I am not inclined to grant bail to the applicant.
6. Accordingly, the application filed under Section 439 of CrPC is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Vacation Judge