

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6607 of 2015

Smt. Shanti Bai Gond, wife of late Shri Johan Lal Gond, aged about 70 years, resident of Village Hathod, Police Station Balod, Tehsil Balod, Civil and Revenue District Balod, Chhattisgarh

... **Applicant**

Versus

State of Chhattisgarh, through the State of Chhattisgarh, through Station House Officer, Police Station Balod, District Balod, Chhattisgarh

... **Non-applicant**

MCRC No.6617 of 2015

1. Vikram Singh Gond, son of late Shri Johan Lal Gond, aged about 38 years,
2. Sudama Lal Gond, son of Late Shri Johan Lal Gond, aged about 40 years
3. Aghnuram Gond, son of late Shri Johan Lal Gond, aged about 32 years

All are residents of village Hathod, Police Station Balod, Tahsil Balod, Civil and Revenue District Balod, Chhattisgarh

... **Applicants**

Versus

State of Chhattisgarh, through the State House Officer, Police Station Balod, District Balod, Chhattisgarh

... **Non-applicant**

For the applicants	:	Mr. P.P. Sahu, Advocate
For the Respondent	:	Mr. Omprakash Sahu, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.12.2015

1. These are two bail applications filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants in connection with Crime No. 387/2015 registered

at Police station Balod, Distt. Balod (C.G) for the offences punishable under section 304-B/34 IPC. Since both the bail applications are arising out of the same crime number, they are decided by this common order.

2. As per the prosecution case, deceased Uma Bai was married to applicant Vikram Singh in the year 2010 and she sustained burn injuries on 20.06.2015. The deceased died within 7 years of marriage. It is alleged that she was subjected to cruelty by the applicants for demand of dowry and consequently she died and the offence was said to be committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case as according to the dying declaration and the case diary statement which were recorded, the injuries occurred because of the fact that while cooking food, son of deceased pulled her Saree which got fire while and consequently she sustained burn injuries.
4. Per contra, learned State Counsel opposes the bail.
5. The charge sheet in this case has been filed. I have perused the case diary which contains the dying declaration wherein it is stated by the deceased that her son aged about 1/12 years pulled the Saree which fell into fire, consequently she got fire and sustained burn injuries. The case diary contains the statement of Uma Bai which also shows that same averments have been narrated and the allegations have not been attributed to the applicants.
6. Taking into consideration the dying declaration and the case diary statement of the deceased Uma Bai, without any observations on merits of the case on the other evidence which is subject of trial, I am inclined to enlarge the applicants on bail. 1.

7. Accordingly, the M.Cr.C.Nos.6607/2015 & M.Cr.C.No.6617 are allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. They shall also appear before the trial Court as and when directed by the said Court.

Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao