

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 83 /2016

1. Smt. Vimla, W/o. Paras Yadav, Aged About 50 Years, R/o. Village Duldula, Police Station Simga, District Baloda Bazar - Bhatapara, Chhattisgarh.
2. Smt. Saraswati, W/o. Shatruhan Yadav, Aged About 25 Years, R/o. Village Duldula, Police Station Simga, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of
Police Station- Simga, District Baloda Bazar - Bhatapara,
Chhattisgarh

---- Respondent

For Applicants : Mr. A.S.Rajput, Advocate.

For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/02/2016

1. Apprehending arrest in connection with Crime No.305/2015 registered at Police Station- Simga, District Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 306, 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the deceased Jageshwari Yadav was second wife of the accused Shatruhan and the applicant No.1 is the mother-in-law and the applicant No.2 is first wife of Shatruhan. It was the case of the prosecution that on 10.10.2013, the deceased Jageshwari set herself ablaze and thereafter she died during treatment. Subsequently, the FIR was lodged on 27.09.2015 and the offence has been registered.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case as they have never abetted to

crime and the FIR was also delayed by two years. He therefore submits that the applicants may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the dying declaration. The FIR was delayed by two years. Taking into the allegation leveled prima facie it appears that the abetment cannot lead to applicants, therefore, without any observation on merit, I am inclined to enlarge the applicants on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge