

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.2682 of 2016**

Sanjay Sidar, son of Bhogilal, aged about 20 years, resident of Kawlajhar, Police Station Dabhra, District Janjgir-Champa, Chhattisgarh (Father name is wrongly mentioned in cause title of lower court)

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Dabhra, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri H.S. Patel, Advocate
For State/Respondent	:	Shri Gary Mukhopadhyay, Deputy Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

8/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.45 of 2016 registered at Police Station Dabhra, District Janjgir-Champa (Chhattisgarh) for the offence punishable under Section 306 IPC. The Applicant is in jail since 9.2.2016.
2. Case of the prosecution, in brief, is that on 11.11.2015 deceased Kirtanbai, the wife of the present Applicant sustained burn injuries during the course of cooking food and later on died on 14.11.2015. Thereafter, on 8.2.2016, First Information Report has been lodged against the present Applicant for offence under Section 306 IPC on the basis of certain statements made by the family members of the deceased on 8.2.2016.
3. Learned Counsel for the Applicant submits that the dying declaration of the deceased was recorded on the next day of the incident,

i.e., 12.11.2015, wherein she has categorically made a statement that she sustained burn injuries while preparation of food. She, in the dying declaration, has also made a statement that she was not subjected to any cruelty or torture by the husband or by any of her in-laws. Learned Counsel further submits that on the date of death of the deceased, i.e., 14.11.2015, statement of the brother of the deceased was recorded. The brother, in the statement, has also not made any allegation regarding subjection of any cruelty or torture to his sister, the deceased. It is only on 8.2.2016 for the first time the family members of the deceased made statement in respect of the deceased being subjected to cruelty and torture on the basis of which the FIR has been lodged and the present Applicant has been arrested. He further submits that the Applicant has been falsely implicated in the case. He prays for release of the Applicant on bail.

4. Learned Counsel for the State, on verification of the case diary, does not dispute the above given facts and submissions, however, opposes the bail application.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly the dying declaration of the deceased as also the period already undergone by the Applicant, this Court is of the opinion that the present is a fit case in which the Applicant could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand)

with two sureties in the like sum to the satisfaction of the trial Court and
for his appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge