

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 498 of 2016**

- Jitendra Kumar Madhariya s/o. Late Basant Madhariya Aged About 35 Years R/O Village Chetuva, P.S. Kumhari, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh through The Station House Officer, Police Station Kumhari, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****01-07-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 111 of 2016 registered at Police Station Kumhari, District Durg (CG) for offence punishable under Section 306 /34 of IPC.
2. As per case of the prosecution, on 25-10-2015 deceased Rashmi sustained burn injuries and she was admitted in hospital and thereafter during the course of course of treatment she died on 4-11-2015. The marriage of deceased Rashmi Madhariya was solemnized with the applicant on 4-5-2004 and out of their wedlock two children were born who were at the time of incident, aged about 11 and 5 years respectively. According to the prosecution, deceased died because she was subjected to abetment.
3. Learned counsel appearing for the applicant would submit that burn injury was caused to the deceased because of accident which would be evident from the dying declaration of the deceased recorded on 28-10-2015 and thereafter sister of the deceased

made a false report against the applicant, therefore, the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents and also dying declaration which was recorded on 28-10-2015 in which it has been stated that while cooking food the deceased sustained accidental burn injuries.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the dying declaration of the deceased and without any observation on the merits of the case, I am inclined to extend benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required.
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju