

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 832 of 2016

Sonilal Deep S/o Tejram, Aged About 40 Years, R/o Paterapali, Out Post Balouda, Police Station & Tahsil District Mahasamund Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station - Saraipali, District - Mahasamund Chhattisgarh

---- Respondent

For applicant – Shri Anil Gulati, Advocate.

For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/09/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 63/2016 registered at Police Station Saraipali, Distt. Mahasamund (C.G.) for offence punishable under Sections 436, 307 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Sanjay Kumar who is husband of victim Sumitra that on 17/02/2016 the hut was set to fire and the victim sustained burn injury. It is apprehension that the hut was set to fire by the applicant since he was in relation with the wife of the complainant.
3. Learned counsel for the applicant submits that there is no evidence on record to show that the applicant has caused burn injury by which the deceased died. He further submits that as per the instruction dying declaration was also recorded wherein it was stated that hut caught fire by the lamp which fell down. Therefore, learned counsel submits that the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. Perused the dying declaration of deceased Sumitra recorded on 21/02/2016. Considering the dying declaration wherein it is stated that the fire took place by the lamp, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 executing a personal bond in sum of Rs.25,000/- with one 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

