

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6188 of 2017

Rijwaan Hashmi @ Rijwaan Ansari S/o Md. Shamim, Aged About 23
Years Caste Musalmaan, R/o Nawapara Kala, P.S. And Tahsil Premnagar
District Surajpur, Chhattisgarh **---- Applicant**

Versus

The State Of Chhattisgarh Through S.H.O. Premnagar, District Surajpur,
Chhattisgarh **---Respondent**

For Applicant	:	Mr. A.K. Prasad, Advocate
For Respondent/State	:	Mr. Manish Nigam, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

1. The applicant has been arrested in connection with Crime No.78 of 2017 registered at Police Station- Premnagar, District Surajpur (C.G.) for the alleged commission of offence under Section 304-B of IPC.
2. The allegation is that the deceased died a suspicious death in her matrimonial house because of burning and it has stated that she subjected to cruelty before death in connection with demand of dowry.
3. Learned counsel for the applicant would submit that the police has registered the case only on suspicion whereas it was only an accident while preparing tea. He would submit that one Shri Mahsood has clearly stated in diary statement that no cruelty was meted out to the deceased. He would further submit that the statement of mother of the deceased is improbable that the oral dying declaration was given to her recording cause of death, kerosene was poured on the deceased by her husband because at the time of inquest, no allegation was made against the applicant.

4. On the other hand, learned State counsel opposes the prayer and submits that there are not only allegation of cruelty but also oral dying declaration given by the deceased to her own mother that the kerosene was poured on her by the applicant.
5. Taking into consideration the submission of learned counsel for the parties and perusal of case diary, no case is made out. Therefore, the bail application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Rekha