

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 259 of 2017

1. Vishram Singh Verma & Others S/o Ishwar Singh Verma, Aged About 55 Years Occupation Teacher, Principal In M.S. Middle School, Ughra, R/o Nayapara Bemetara, Police Station & District Bemetara, Chhattisgarh.
2. Rajesh Verma, S/o Vishram Singh Verma, Aged About 30 Years Occupation Service) Agriculture Development Officer) , R/o Nayapara Bemetara, Police Staiton & District Bemetara, Chhattisgarh.
3. Likesh Verma, S/o Vishram Singh Verma, Aged About 26 Years R/o Nayapara Bemetara, Police Station & District Bemetara, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Bhaskar Payashi, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.
For objector	:	Mr. Pradeep Singh Rathore, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/11/2017

1. Apprehending arrest in connection with Crime No.765/2016 registered at Police Station- City Kotwali Bemetara, District – Bemetara (C.G.), for offence punishable under Sections 498-A,307,302 and 304B of the Indian Penal Code (for short 'IPC'), the applicants have preferred this application for grant of anticipatory bail.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Deceased Poonam Verma, wife of applicant No.2, suffered burn injuries on 29.12.2016 i.e.

after 2 years of her marriage with applicant No.2. The dying declaration of deceased Poonam Verma was recorded on 29.12.2016 at 2 pm by the Executive Magistrate (Naib Tahsildar), in which, she has stated that when she was resting on the bed, her mother-in-law Uma Bai poured kerosene on her and set her ablaze. Another dying declaration was recorded on the same day at 7.40 pm, in which, she has made similar allegation. Yet another dying declaration was recorded same day at 10 pm, in which, she leveled allegations against her mother-in-law only. The deceased died on 3.1.2017. Statement of witnesses were recorded on 31.12.2016 and the name of applicants did not find place in the statement of any of the witnesses.

After the death of the deceased, statements of some witnesses were again recorded on 5.1.2017 in which for the first time it has been alleged that present applicants had treated the deceased with cruelty and harassment in relation to dowry. It is submitted that looking to these developments, no case is made out against the applicants, hence, prayed that applicants be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the witnesses in their statement recorded under Section 161 of Cr.P.C. have categorically deposed against the applicants/accused persons and therefore they are not entitled for grant of anticipatory bail.
4. Learned counsel for objector submits that the witnesses have supported the allegations that the deceased was subjected to cruelty or harassment on account of demand of dowry and therefore no case is made out for grant of anticipatory bail to the applicants.
5. Heard both the parties and perused the case diary.

6. As per the case against the applicants, marriage of applicant No.2 was performed with deceased Poonam Verma in November, 2014 and after the marriage, she was residing in the house of her in-laws situated at Nayapara, Bemetara. As per allegation, on 29.12.2016, the mother-in-law of the deceased poured kerosene on her body and set her ablaze. Deceased died on 3.1.2017 during the course of treatment. On the basis of the complaint made and the statement given by the witnesses, the offence has been registered against the applicants and after completion of investigation, charge-sheet has been filed.
7. Considering the submissions and the contents of case diary, particularly the contents of dying declaration of the deceased, recorded thrice on 29.12.2016 in which she has made allegation against only one person namely her mother-in-law Uma Bai and no role has been attributed to the present applicants. In the subsequent statement under Section 161 of Cr.P.C. recorded on 31.1.2017 the deceased has made further allegation against her sister-in-law namely Menka Verma and in this statement also there is no whisper about the present applicants. Likewise, the statements of witnesses recorded on 31.12.2016 also do not reflect the name of present applicants. However, in the statements recorded by the police on 5.1.2017 some of the witnesses have stated for the first time about the involvement of present applicants in the crime in question. In these circumstances, I am of the view that this is a fit case where the applicants should be benefited with grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and 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 him on their executing a personal bond in sum of Rs.25,000/- each with one surety 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/-
(Rajendra Chandra Singh Samant)
Judge