

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4654 of 2017

- Malikram Verma S/o Trilochan Verma Aged About 65 Years R/o Village Binauri, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Palari, District Balodabazar, Bhatapara Chhattisgarh.

---- Respondent

And

MCRC No. 4700 Of 2017

- Vimla Verma W/o Malik Ram Verma Aged About 59 Years R/o Village- Binauri, Poilce Station - Palari, District Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through S.H.O. Police Station- Palari, District- Balodabazar- Bhatapara, Chhatisgarh.

---- Respondent

For Applicant	:	Mr. A.S. Rajput, Advocate.
For Respondent/State	:	Mr. U.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/11/2017

1. Since both bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Heard on applications under Section 439 of Cr.P.C. for grant of bail.

3. Both are the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 109/2017, registered at Police Station- Palari, District – Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 304-B/34 of Indian Penal Code (for short 'IPC').
4. Learned counsel for the applicants submit that applicants are innocent and have been falsely implicated in this case. Deceased Rajeshwari was wife of the son of the applicant in both the cases. Their marriage was solemnized 6 years prior to the date of incident. Rajeshwari died due to burn injuries on 13.3.2017. The dying declaration of the deceased Rajeshwari clearly demonstrates, that the incident in which she got immolated, was accidental. Similarly, the mother of the deceased has been examined before the Court, she has made no statement against the applicants, hence, in this situation, it is prayed that applicants be enlarged on bail.
5. Learned State counsel opposes the bail applications and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. Deceased was married to son of the applicants in both the cases 6 years prior to the date of incident. She got immolated on 13.3.2017 and due to burn injuries, she died on 14.3.2017. Police has investigated the case and charge-sheet has been filed against the applicant and one co-accused.
8. Considering the submissions made and the contents of the case diary, specifically the dying declaration recorded by the doctor treating her, I am of this view, that applicants in this case are entitled for grant of bail.

9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha