

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5290 of 2017**

- Manrakhan Rohidas, S/o Santram Rohidas, Aged About 55 Years, Caste Rohidas, R/o Dhapdhap, Police Station Bankimongra, Tahsil Katghora, District- Korba, Chhattisgarh.
- Bisahin Bai W/o Manrakhan Rohidas, Aged About 45 Years, Caste Rohidas, R/o Dhapdhap, Police Station Bankimongra, Tahsil Katghora, District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through: The Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

---- Non-applicant**AND****MCRC No. 5435 of 2017**

- Shani, S/o Manrakhan Rohidas, Aged About 20 Years, Caste Rohidas, R/o Village Dhapdhap, P. S. Bankimongara, Tahsil Katghora, District Korba (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Office, Police Station Katghora, District Korba (Chhattisgarh).

---- Non-applicant

For Applicant MCRC 5290/17	: Shri Govind Ram Miri, Advocate.
For Applicant MCRC 5435/17	: Shri Govind Ram Miri, Advocate.
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

21.09.2017

1. As the MCRC No.5290/2017 and MCRC No.5435/2017, are connected matter arises out of the same crime number and incident, hence both are being disposed of by the common order.
2. Perused the office notice dated 15.09.2017, as per note only the present applicants had preferred petition to enlarged them on bail except the present petitioners no (co-accused Sunil Kumar husband of the deceased) has preferred any petition to enlarged them on bail.
3. Heard the matter finally.
4. Learned counsel for the applicants would submit that co-accused Smt. Rajini has already been granted bail by the Additional Sessions Judge, Distt. Korba (C.G.) as she was at the advanced stage of pregnancy. Learned counsel for the applicants would further submit that all the applicants had been arrested in connection with Crime No. 72/2017, on 05.06.2017, Police Station Bankimongara, Distt. Korba (C.G.), for the offence under Section 304 (B), 34 of the Indian Penal Code.
5. Learned counsel for the applicants would submit that after investigation police had filed charge-sheet which is pending for committal before Judicial Magistrate First Class

Katghora, Distt. Kobra (C.G.) which was registered as Criminal Case No.393/17. As per information the matter is not yet committed. Learned counsel for the applicants would submit that the deceased Purnima married to Sunil Kumar in the month of April 2016, the incident dated 07/05/2017, when the deceased Purnima sustain burnt injuries her dying declaration recorded by Executive Magistrate on 13/05/2017. In the said dying declaration she categorically stated that she caught fire on an accident and nobody is responsible. The dying declaration recorded in presence of Harilal the father of the deceased and Manrakhan the father-in-law of the deceased. Learned counsel for the applicants would further submit that on 15/05/2017 after the death of the deceased, merge has been registered. The deceased not said anything against the applicants and her husband, in the request of the father of the deceased, she did not said against the applicants. The husband of the deceased admitted the deceased Purnima in hospital and also brought her to the Bilaspur hospital. There is no report of dowry, harassment and cruelty reported before the 07/05/2017. FIR has been lodged on 29/05/2017 cause of death is cardiac arrest and septicemia the parents of the deceased were duly informed and they remain in the hospital till death. As there is delay in the FIR, Marriage solemnized as they were in love affair, Section 304B is not covered for the present applicants. They are in custody since 3 ½ months, the statement of the family members of the deceased are hearsay. Deceased died on account of burn

injuries 60 percent. There is no reason to demand for the dowry and as the dying declaration itself is in the favour of the applicants. Hence, upon consideration of the entire matter, the applicants may be enlarged on bail.

6. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant and would submit that the statement recorded during the investigation under Section 161 and the supplementary statement recorded of the witnesses Harilal the father, Dhanbai the grandmother, Lal ji the uncle, Kaushalya Bai the aunt, Ramlal the grandfather and Kunti the mother of the deceased, categorically stated the harassment, cruelty and demand of dowry by the applicants and also as per statement of the prosecution witnesses the deceased prior to the death gave oral, dying declaration to them and as per oral dying declaration given by the deceased to the witnesses on account of harassment and cruelty commit by the applicants. She commit suicide. Hence, the instant MCRC may be dismissed.

7. Perused the entire matter.

8. On perusal of the entire material prima-facie for the purposed of appreciation as a prayer to enlarged applicants on bail. It appears that after about a year of marriage the deceased died, other than the normal circumstances. On account of cruelty, demand of dowry and other facts. On consideration of the entire facts in the charge-sheet, I am not

inclined to grant bail to the applicants.

9. Consequently, both the instant MCRCs is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)

Judge

Pawan