

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6455 of 2017**

1. Dilchand, S/o. Sushilchand, Aged About 37 years,
2. Khirbai, W/o. Late Sushilchand, Aged About 55 years,
3. Pushpa Shrivastava, W/o. Dilchand, Aged About 31 years,

All are by Caste- Shrivastava, R/o. Village Nisahdpara, Sakrali, Police Station and Tahasil- Dabhara, District Janjgir- Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The District Magistrate, Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ishwar Jaiswal, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/12/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.154/2017, registered at Police Station – Dabhara, District – Janjgir – Champa (C.G.) for the offence punishable under Section 498A, 307, 302/34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicant that applicants have been falsely implicated in this case. The deceased Hira Bai had been sister-in-law of the applicant No.1 and No.3 and daughter-in-law of the applicant No.2. Dying declaration of the deceased has been recorded on 06.05.2017 by the Executive Magistrate, in which she has made allegation only against her husband -Buddheshwar Shrivastava. Applicants have been implicated in this case only on the statement of the parents of the deceased, who were not present on the spot at the time of incident, hence, prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that statement of witnesses under Section 161 of Cr.P.C. is clear and categorical against the applicant, hence they are not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The facts of the case are that on the date of incident, the deceased was brought to the KGH Hospital, Raigarh in severely burnt condition, who expired during the course of treatment on 13.05.2017 in the meanwhile, her dying declaration was recorded and the statement of the witnesses were recorded. After morgue enquiry, FIR has been registered against the applicants and others.
6. Considering the submissions made and the contents of the case diary particularly taking into consideration the dying declaration statement of the deceased, in which she has stated clearly that at the time of

incident apart from her husband, nobody was present when she was forcefully set ablaze by her husband, this clearly indicates that applicants have a case to contest before the trial Court, for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

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

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge