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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 371 of 2018**

Smt. Ranjeeta Pandey Wd/o Late Chandrasen Pandey, Aged About 58 Years Caste Bramhan, R/o Village Kunjnagar Jharpara, P. S. Jainagar, Tahsil And District Surajpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Jainagar, District Surajpur Chhattisgarh , Chhattisgarh

---- Respondent

And**M.Cr.C.(A) No. 633 of 2017**

1. Vinay Pandey S/o Late Chandrasen Pandey Aged About 23 Years By Caste Brahmin, R/o Village Jharpara Kujnagar, Police Station Jainagar, Tahsil And District- Surajpur, Chhattisgarh. Chhattisgarh
2. Sachin Pandey S/o Late Chandrasen Pandey Aged About 25 Years By Caste Brahmin, R/o Village Jharpara Kujnagar, Police Station Jainagar, Tahsil And District- Surajpur, Chhattisgarh. , District : Surajpur, Chhattisgarh
3. Saraswati Pandey W/o Sachin Pandey Aged About 22 Years By Caste Brahmin, R/o Village Jharpara Kujnagar, Police Station Jainagar, Tahsil And District- Surajpur, Chhattisgarh. , District : Surajpur, Chhattisgarh

---- Applicants

Vs

State Of Chhattisgarh Through SHO Police Station - Jainagar District- Surguja , Chhattisgarh.

---- Respondent

For the Applicants : Shri A.K. Prasad, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.03.2018**

Heard.

1. Both these applications are being decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Sections 439 and 438 of the Code of Criminal Procedure, 1973 for grant of regular bail and anticipatory bail to the applicants in connection with Crime No.152 of 2017, registered at Police Station Jainagar, District – Surajpur, Chhattisgarh for the offence punishable under Sections 304-B and 498-A/ 34 of the Indian Penal Code, in which the applicant in M.Cr.C. No.371 of 2018 has been arrested and the applicants in M.Cr.C.(A) No. 633 of 2017 are apprehending arrest.

2. Learned counsel for the applicants submits that applicant – Smt. Ranjeeta Pandey in M.Cr.C. No. 371 of 2018 is in jail since 12.9.2017 and she has been falsely implicated in this case. Though the dying declaration of the deceased is against the applicants, but there is sufficient material in the charge-sheet to show that the deceased was influenced by her relatives during recording of dying declaration. All the witnesses, who have given statement against the applicants, have enmity with the applicants. The main witness in this case Santosh Mishra is one of them, against whom applicant – Ranjeeta Pandey has filed a complaint alleging offence of defamation. One of the independent witnesses has stated that hearing the cries when she went to the house of the deceased, she found none of the applicants present on the spot and hence, no case is made out against the applicants regarding commission of offence. Hence, it is prayed that the applicant in M.Cr.C. No. 371 of 2018 be benefited with grant of regular bail and the applicants in M.Cr.C.(A) No. 633 of 2017 be benefited with grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that there is clear statement in the dying declaration of the deceased that when she was lying on her cot at the time of incident, her husband, mother-in-law, brother-in-law and sister-in-law (all the applicants) by pouring kerosene over her body set her ablaze and left the house by bolting the door from outside. It is also submitted that the deceased has made an oral dying declaration and the witness who is referred to by the applicants' side is the person who found the door bolted from outside. Hence, for these reasons, none of the applicants deserve to be enlarged on regular or anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case is that the marriage of the applicant – Vinay Pandey with deceased – Kajal Pandey was solemnized in the month of April-May, 2016. On 28.5.2017 at about 3:00 pm, deceased Kajal Pandey suffered burn injuries and she was admitted in the hospital for treatment. On receiving information about the incident, dying declaration of the deceased was recorded by the Executive Magistrate in which, it was clearly alleged against all the applicants that they were the persons who set her ablaze after pouring kerosene over her body. After lodging of FIR, the offences were registered against the applicants. During investigation, it was further disclosed that the applicants were demanding dowry and it was for that reason the deceased was being subjected to torture soon before her death. Looking to the nature of evidence that is present against the applicants at this stage, the credibility of the witnesses is to be determined by the trial Court. Hence, for these reasons, applicant – Smt. Ranjeeta Pandey in

M.Cr.C. No. 371 of 2018 and applicants – Vinay Pandey, Sachin Pandey and Saraswati Pandey in M.Cr.C.(A) No.633 of 2017 do not deserve to be enlarged on regular and anticipatory bail.

6. Accordingly, the bail applications filed under Sections 439 & 438 of the Cr.P.C. of applicant – Smt. Ranjeeta Pandey in M.Cr.C. No. 371 of 2018 and applicants - Vinay Pandey, Sachin Pandey and Saraswati Pandey in M.Cr.C.(A) No. 633 of 2017 are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge