

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A). No. 57 of 2018

- Smt. Fagani Bai W/o Shri Hajari Lal Tandan Aged About 63 Years R/o Village Borasi, Police Station Pamgarh, Civil And Revenue District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pamgarh, Civil And Revenue District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Non-applicant

For Applicant : Mr.Paras Mani Shriwas, Advocate.

For the State : Mr. Aditya Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13.04.2018

1. Heard.
2. Apprehending arrest in connection with Crime No. 350/2017, registered at Police Station- Pamgarh, District - Janjgir, Champa, (C.G.), for the offence punishable under Sections 304 B, 34 of IPC, the applicant has preferred this application for grant of anticipatory bail.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. The deceased is the grant daughter-in-law of

this applicant. The death of deceased -(Suman Tandon) was purely accidental, the incident took place on 14.09.2017 when the deceased got burned with the fire accidentally while cooking and her family members came to help her and brought her to the hospital. No case is made out against this applicant, hence, it is prayed that applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned State counsel opposes the bail application and submits that there is ample evidence present in the case diary against this applicant regarding the offences registered against her, hence, she is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case the marriage of deceased – (Suman Tandon) and the co-accused- (Amar Nath) was performed in the year 2014. The incident took place 14.09.2017, when clothes of the deceased caught fire while cooking and she got burned. She was immediately admitted to the hospital by her family members, and during the course of the treatment she died on 15.09.217. Father of the deceased filed a written complaint against the applicant on the basis of which FIR was registered and charge-sheet has been filed.
7. Father of the deceased in the inquest procedure has stated that the deceased was tortured by her husband, and the allegation has been made against her husband and grand-mother-in-law of the deceased alleging that they had killed the deceased. There is no specific allegation about demand of dowry. The investigation is yet to be completed in this case.

8. Considered on the submissions and the contents of the case diary, applicant is a woman of aged about 63 years old and further according to the nature of allegation against her, I am of this view that applicant should be extended the benefit of Section 438 of the Cr.P.C.
9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant shall also abide by the following conditions :
- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)
Judge