

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No.395 of 2018**

1. Smt. Chandan Tula, W/o. Tikaram Saral, Aged About 70 Years,
 2. Ku. Saraswati, D/o. Tikaram Saral, Aged About 18 Years
 3. Ku. Sushmita, D/o. Tikaram Saral, Aged About 22 Years,
- All are R/o Village Padigaon, P.S. Pousor, District Raigarh Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through P. S. Pousor, District Raigarh Chhattisgarh.

---- Respondent

For Applicants : Mr. Vineet Kumar Pandey, Advocate

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/06/2018**

1. Apprehending arrest in connection with Crime No.43/2018, registered at Police Station – Pousor, District – Raigarh (C.G.) for offence punishable under Section 304-B, 498-A, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Applicant No.1 is mother-in-law and applicant No.2 and No.3 are the sister-in-law of the deceased Sushmita. The death of the deceased was due to burn injuries was an accident and it is confirmed from the statement given by the deceased in her dying declaration. Hence, no case is made out against the applicants. Therefore, it is prayed that they may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that on the very next day of incident, father of the deceased had filed a complaint in which it was mentioned that there was a demand of motor cycle by way of dowry, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the marriage of Sushmita with Krishna Chand have been taken place in the year 2012. After passing of more than five years on 22.02.2018, the deceased Sushmita suffered burn injuries because of which she was admitted in the hospital and she succumbed to the injuries on 25.02.2018. Dying declaration was recorded on 21.02.2018, in which she stated that she caught fire from lamp accidentally and has suffered burn injuries. Subsequent to that on the basis of the complaint filed by the father of the deceased, enquiry was conducted and FIR was lodged on 13.03.2018, in which the statement has been given by the witnesses about demand of dowry against the applicants.
6. Considered on the submissions made and the contents of the case diary. Considering the statement in dying declaration of the deceased and the time that has been consumed in development later on and further considering the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge