

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 813 of 2018**

Bajinath Kumar Mirrey, S/o. Gulab Mirrey, Aged About 26 Years, R/o.- Village Sarasmaar, Police Station and Tahsil Pathalgaon, District- Jashpur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Pathalgaon, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. U.K.S. Chandel, Advocate

For Respondent/State : Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/08/2018**

1. Apprehending arrest in connection with Crime No.16/2018, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for offence punishable under Section 304-B, 306, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The deceased, the wife of this applicant has died on accidental death, as she accidentally caught fire from Chimney. She was immediately hospitalized by the applicant, where she has given statement as dying declaration about the accidental burn injuries. In the subsequent development, father of the deceased has made false allegation in complaint filed by him. Hence, it is prayed that the applicant 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the applicant with the deceased Priyanka Mirrey took place in the year 2013. It is alleged that on 20.11.2017, the deceased suffered burn injuries and she was admitted in the hospital for treatment, where she died on 21.11.2017. Subsequently, the father of the deceased filed written complaint on 22.11.2017 making allegation of demand of dowry and torture against the applicant and others. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The dying declaration of the deceased, in which deceased has clearly stated that she caught fire accidentally and has suffered burn injuries. Considering the facts and circumstances of the case and further taking into account the fact that similarly placed co-accused persons namely Gulab Mirre and Smt. Ultra Bai have been enlarged on anticipatory bail by the Coordinate Bench of this Court vide order dated 27.04.2018 in M.Cr.C.(A) No.285/2018, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.
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 applicant in connection with the aforesaid offence, he 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 Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram