

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4669 of 2018

- Veersen Majhi S/o Goverdhan Majhi Aged About 27 Years Occupation- Teacher, R/o- Village Karechhapar, P.S. Chakradharnagar, Raigarh, Tahsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Pussour, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

And

MCRCA No. 877 of 2018

- Teekaram Saral S/o S/o Venudhar Saral Aged About 72 Years Occupation Labour, R/o Panigaon, P. S. And Tahsil Pusaur, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pusaur, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicants : Mr. Vineet Kumar Pandey Advocate.

For Respondent/State : Mrs. Smita Ghai, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

30/07/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incident, they are being heard and decided together by this common order.
2. Applicant Teekaram Saral has filed M.Cr.C(A) No.877/2018 seeking anticipatory bail as he apprehends his arrest in connection with Crime No.43/2018 registered at Police Station-Pusaur, District-Raigarh, for the offence punishable under Sections 498A, 304B/34 of the Indian Penal Code (for short 'IPC').
3. Applicant Veersen Majhi has filed M.Cr.C. No.4669/2018 seeking regular bail as he has been arrested in connection with Crime No.43/2018 registered at Police Station-Pusaur, District-Raigarh, for the offence punishable under Sections 498A, 304B/34 of the Indian Penal Code (for short 'IPC').
4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. Applicant Veersen Majhi is cousin brother-in-law of the deceased whereas applicant Teekaram Saral is the father-in-law of the deceased. The dying declaration recorded by the Magistrate on 21.2.2018 i.e. on the next day of incident, shows that deceased has not made any allegation against any of the accused persons. On 16.3.2018 brother of the deceased has made a totally false statement about oral dying declaration made by the deceased making allegations against them. Hence, it is prayed that they may be released on anticipatory/regular bail.
5. Learned State counsel opposes the bail applications and the

submissions made in this respect.

6. Heard both the parties and perused the case diary.
7. The story of prosecution is this, that on 20.2.2018 deceased Sushmita suffered burn injuries. She was admitted in the hospital. On 21.2.2108 a dying declaration of deceased was recorded by the Executive Magistrate in which she has stated that she caught fire accidentally. On 25.2.2018 the deceased expired during the course of treatment. After passing of number of days, on 16.3.2018 it was stated by the brother of the deceased for the first time that there had been demand of dowry from the deceased before her death and on that basis the case has been registered against these applicants.
8. Considered on all the material present in the case diary and looking to the development of things and also taking into consideration the first dying declaration recorded on 21.2.2018, I am of this view that this is a fit case where the applicants should be released on regular/ anticipatory bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Accordingly, the anticipatory bail application of applicant is allowed and it is directed that in the event of his arrest in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge