

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 335 of 2019

1. Kiran Ratre D/o Shri Dhansae Ratre, Aged About 18 Years 6 months
2. Dhansae Ratre S/o Awadhram Ratre, Aged About 56 Years

[Both are R/o Village Khorod, Police Outpost Lavan, Police Station Kasdol, District Balodabazar, Bhatapara Chhattisgarh]

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station- Kasdol, Police Outpost Lavan, District- Balodabazar- Bhatapara Chhattisgarh

---- Non-applicant

For Applicant – Ms. Shivali Dubey, Advocate.

For Non-applicant/State – Mr. Rahim Ubwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-04-2019

1. Apprehending arrest in connection with Crime No.507/2018, registered at Police Station – Kasdol, Police Outpost Lavan, District- Balodabazar, Bhatapara, Chhattisgarh for offence punishable under Section 307 & 498-A of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that these applicants have been falsely implicated in this case by the complainant Seema Ratre without any basis. The falsity of the allegation made has been further confirmed in the subsequent statement made by complainant Seema Ratre on affidavit, in which she has stated that she accidentally got doused in kerosene oil and none of these and the other co-accused had anything to do with that incident and she had very cordial relations with her husband and these applicants. Therefore, on

this basis, it is prayed that the applicants be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on verification of the affidavit filed by the complainant Seema Ratre, the police have recorded the statement of the complainant in which she has made similar statement to that which she had stated on affidavit.
4. Heard learned counsel for the parties and perused the case diary.
5. The F.I.R. has been lodged alleging that the husband of complainant, Kiran Ratre and applicant No. 02 quarreled with the complainant asking her to bring money from her parental house and at the same time on asking of co-accused, Kishore Ratre- Applicant No. 01 brought a can of kerosene oil which was poured over the complainant and her son. The applicant No. 02 blocked the door and applicant No. 01 caught hold of the neck of the complainant. Co-accused Kishore Ratre was in preparation to set her ablaze when father of the complainant came on the spot.
6. Considered on the entire material present in the case diary, the earlier statement made by the complainant in the F.I.R. and in statement under Section 161 of the Cr.P.C. has been now contradicted by her in the statement given on affidavit before the Court and also similar statement has been given to the police. Therefore, looking to this development in this case, I feel inclined to allow this application.
7. Accordingly, the anticipatory bail application is allowed. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika