

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 592 of 2019

1. Chandram S/o Shri Bijelal Nishad, Aged About 72 Years, By Caste- Kewat, R/o Village- Pairaguda, Thana- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Uttara Kumar S/o Shri Chandram Nishad, Aged About 30 Years, By Caste- Kewat, R/o Village- Pairaguda, Thana- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Smt. Saraswati W/o Shri Lakeshwar Nishad, Aged About 31 Years, R/o Hadhapara Kasdol, Thana- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Smt. Parwati W/o Shri Darasingh Kewat, Aged About 33 Years, R/o Village- Pisid, Thana- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
5. Smt. Uttari Bai W/o Late Shri Dharam Kewat, Aged About 35 Years, R/o Village- Koat, Thana- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Sunil Sahu, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-04-2019

1. Apprehending arrest in connection with Crime No.120/2019, registered at Police Station – Kasdol, District- Balodabajar- Bhatapara, Chhattisgarh for offence punishable under Section 304(B)/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out. Deceased Rajani Kewat, wife of Ashok Kumar Kewat suffered burn injuries on 23-09-2018 and she died on 27-09-2018. Before her death her dying declaration was

recorded on 24-09-2018 in which she has not made any allegation against these applicants. After passing of about 6 months, brother of the deceased has filed a written complaint on 19-03-2019 making totally false allegation against these applicants that they were torturing the deceased for dowry. Therefore, it is prayed that these applicants may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that it is a case of unnatural death of a married woman within 7 years of marriage and there is evidence of witnesses that she was tortured for demand of dowry. Therefore, no case is made out for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, the deceased died unnatural death on 27-09-2018 within one year of her marriage. It is alleged in the FIR and the statement of the witnesses that the deceased was tortured for demand of dowry.

6. Considered on the entire material present in the case diary. The facts otherwise show that the dying declaration of the deceased herself contained no allegation against these applicants, which is an evidence that cannot be ignored, therefore, 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 these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

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

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge