

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 779 of 2019**

Daras Ram Sande S/o Kaushal Prasad Sande, Aged About 35 Years R/o Village - Pangaon, Police Station And Tahsil Pamgarh, District Janjgir - Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. Police Station Pamgarh, District Janjgir - Champa Chhattisgarh.

---- Respondent

For the Applicant : Shri Ravindra Sharma, Advocate.
For the Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.08.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 212 of 2019, registered at Police Station – Pamgarh, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Section 304B/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that there is no allegation of any overt act against the applicant regarding any specific demand of dowry or regarding any cruel treatment given by him to the deceased. There is only one statement in the last line of the statement of all the witnesses involving

this applicant which is without any substance. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, the deceased got married to Anand Ram Sande on 17.4.2018. The deceased was having some matrimonial dispute with her husband. On 5.4.2019, the deceased poured kerosene oil over the body of her mother-in-law and set her ablaze. When the neighbours put out the fire on the body of her mother-in-law, then the deceased poured kerosene oil over her body and set herself ablaze because of which, she died on the same day. Later on, in the inquest procedure and in the statement under Section 161 of the Cr.P.C. recorded after lodging of FIR, the statement of the witnesses show that all the allegations are mainly against the husband of the deceased. Because of only one line added in the bottom of the statement of all the witnesses, this applicant is also implicated in making the demand of dowry whereas, the demand of dowry has not been specified in the statement. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and 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. He 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 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