

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1629 of 2018

1. Tahira Raza D/o Mohd. Taj Rizvi Aged About 22 Years R/o Ward No.05, Mali Badi Ratanpur, Police Station - Ratanpur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Kanij Fatima D/o Mohd. Taj Rizvi Aged About 20 Years R/o Ward No.05, Mali Badi Ratanpur, Police Station - Ratanpur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Smt. Humera Raza W/o Mohd. Hussain Raza Aged About 28 Years R/o Ward No.05, Mali Badi Ratanpur, Police Station - Ratanpur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Acting Through Officer-In-Charge, Police Station - Ratanpur, Civil And Revenue District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. K.A. Ansari, Sr. Advocate along with Mrs. Meera Ansari , Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

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

03/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.314/2018 registered at Police Station-Ratanpur, Civil & Revenue

District – Bilaspur(C.G.), for the offence punishable under Section 304B, 34 of the Indian Penal Code.

2. Learned Senior Counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No crime has been committed by them as alleged in the FIR when the case was registered against these applicants and co-accused persons. Deceased Shirin accidentally caught fire and she has made a clear statement before the Executive Magistrate in her dying declaration recorded on the very next day i.e. 10.8.2018. However, the parents of deceased cooked up a story after passing of some time and made a false complaint to the police. Hence, no case is made out against these applicants. Other co-accused persons have been benefited with grant of bail by the Court below as well as by the co-ordinate Bench of this Court. Hence, it is prayed that they may be enlarged on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is evidence in the shape of oral dying declaration made by the deceased to her parents wherein she had disclosed to them on 14.8.2018 that the deceased was being tortured for demand of dowry and she was set ablaze by her husband and in-laws, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Deceased Shirin Raza married to co-accused Saqlain Raza in April, 2016. It was a love marriage. The deceased was admitted in the hospital on 9.8.2018 with burn injuries. In the dying declaration recorded on 10.8.2018 she did not make any allegation against her

husband and in-laws. She expired on 15.8.2018 and subsequent to that a written complaint was made by the father of the deceased on 28.8.2018 making allegation of demand of dowry, cruel treatment and that the deceased was burnt by her husband and in-laws. Hence, this case.

6. Considered on the material present in the case diary, especially the development that has taken place after recording of dying declaration by the Executive Magistrate, I am of this view that this is a fit case where the applicants should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/-each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha