

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 64 of 2020**

Raahi Dubey, aged about 85 years W/o Late Shri Ghanshyam Prasad Dubey
R/o Mana Basti, P.S. Mana Camp, Tehsil & District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station house Officer, P.S. Mana Camp, District Raipur, Chhattisgarh.

---- Respondent

AND

MCRCA No. 147 of 2020

Sanjay Dubey, aged about 47 years S/o Late Shri Ghanshyam Prasad Dubey
R/o Mana Basti, P.S. Mana Camp, Tehsil & District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station house Officer, P.S. Mana Camp, District Raipur, Chhattisgarh.

---- Respondent

AND

MCRCA No. 153 of 2020

Manish Kumar Dwivedi, aged about 32 years S/o Shri Santosh Kumar Dwivedi,
R/o Block Colony Fingeshwar, Tehsil- Rajim, District Gariyaband (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station house Officer, P.S. Mana Camp, District Raipur, Chhattisgarh.

---- Respondent

For Applicants (in all cases)	:	Mr. Sharad Mishra, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate
For Objector	:	Mr. Y.C. Sharma, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10/06/2020

1. These matters are heard through video conferencing.
2. Since all the cases relate to same crime number, therefore, they are being decided by this common order.
3. The applicants have filed these applications under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 366/2019 registered at Police Station Mana Camp, District Raipur (C.G.) for the offence punishable under Sections 306, 498-A & 34 of the Indian Penal Code.
4. Applicant Raahi Dubey is mother-in-law, applicant Sanjay Dubey is Devar and applicant Manish Kumar is another Devar of the Deceased Kiran. The marriage between the Deceased and Ambika Prasad Dubey was solemnized in the year 2006. Out of their wedlock two children got birth. On 13/12/2019, the Deceased poured kerosene on herself and set herself on fire. During course of treatment, her dying declaration was recorded on 13/12/2019. On 17/12/2019, a written complaint was lodged by brother of the Deceased alleging therein that since all the applicants had leveled an allegation of theft upon the Deceased, therefore, she poured kerosene on herself and set herself on fire. On 19/12/2019 during course of treatment, the Deceased died. On the basis of said report made by the brother of the Deceased, offence has been registered.
5. Learned counsel appearing on behalf of the applicants submits that the

applicants are innocent and they have been falsely implicated in the present case. Prima-facie no offence under Section 306 of the IPC is made out against the applicants. He further submits that if the entire case of the prosecution is taken as it is, yet the main ingredients of instigation as defined under Section 107 of the IPC is missing. He prays for grant of anticipatory bail.

6. Learned counsel appearing on behalf of the State and the Objector oppose the said applications.
7. I have heard counsel for the parties.
8. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, and further considering the facts that except the facts mentioned in the dying declaration, there is no other material available on record to implicate the applicants in crime in question, without further commenting on other merit of the cases, I am inclined to give benefit of anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicants shall not act, in any manner,

which will be prejudicial to fair and expeditious trial; and

iv. 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.

11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul