

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 772 of 2020

Smt. Gauri Sharma W/o Ashok Sharma Aged About 35 Years Occupation Housewife, R/o Kamta, Tahsil Nawagarh, Police Station Nawagarh, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Nawagarh, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Amit Kumar, Advocate
For State	:	Shri K.K. Singh, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/11/2020

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as she is apprehending her arrest in connection with Crime No. 136/2020, registered at Police Station -Nawagarh, District- Bemetara (CG) for alleged commission of offence punishable under Section 498-A, 304-B, 34 IPC
2. Case of the prosecution, in brief, is that the applicant is sister-in-law of deceased- Pritika Sharma, who died of burning on 2.6.2020. Allegation of the prosecution is that Pritika died as she was subjected to cruelty in connection with demand of dowry.
3. Learned counsel for applicant would submit that the dying declaration of the deceased was recorded by the doctor and in that dying declaration, though the deceased stated that she was being tortured by her husband Kamal and sister-in-law- Gauri Sharma, there is no allegation that this

torture and cruelty was in connection with demand of dowry. Therefore, prosecution story based on statement of her brothers Rupesh, Hirendra and Raghvendra Pandey before whom deceased is said to have given oral dying declaration that she was subjected to cruelty in connection with demand of dowry is an afterthought and false fabrication of case. Learned counsel for the applicant further submits that husband – Kamal Sharma has been granted regular bail by this Court vide order dated 3.11.2020 passed in MCRC No.5365 of 2020, therefore, present applicant may be admitted to the benefit of anticipatory bail. Learned counsel for the applicant submits that the applicant is required to look after newly born child of the deceased and on this consideration, the applicant may be granted anticipatory bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that in the dying declaration given by the deceased, she has stated that she was subjected to cruelty by her husband and sister-in-law, due to which, she poured kerosene on her and set herself ablaze. He would next submit that the case diary statement of brothers- Rupesh, Hirendra and Raghvendra are to the effect that when they went to meet the deceased in the hospital where she was lying in burnt condition, she orally said them that she was being subjected to cruelty in connection with demand of dowry, due to which, she committed suicide by burning herself.
5. Taking into consideration the submissions made by learned counsel for the parties, the nature of allegation and the material on record, present is not a fit case for grant of anticipatory bail. Co-accused Kamal Sharma, was granted regular bail and not anticipatory bail, therefore, no parity can be claimed by the applicant for grant of anticipatory bail.
6. The application is accordingly rejected. Bail bonds furnished by the applicant are cancelled and the applicant be taken into custody.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge