

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6216 of 2020

- Benbai Ratre, wife of Balram Ratre, Aged About 43 Years, Resident of Village Kohraud, P.O. Bartori, P.S. and Tahsil Bilha, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Bilha, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri S. P. Verma, Advocate
Shri Vimlesh Bajpai, GA

Hon'ble Justice Shri Gautam Chourdiya

Order On Board

03/12/2020

1. The applicant has preferred this first bail application under Section 439 of CrPC, as she has been arrested in connection with Crime No.144/2020, registered at Police Station Bilha, District Bilaspur (C.G.) for the offence punishable under Section 302 read with Section 34 of IPC.
2. The case of the prosecution in brief is that the deceased Melan Bai, who is the mother-in-law of the applicant, woke up at 5 am on 01.05.2020 and when she was preparing tea in earthen stove, she got burnt. On hearing her screams, the applicant and her daughter came there and tried to extinguish the fire. She was taken to the hospital, where she died accidentally. But after about 3

months of the incident, on 09.08.2020, the FIR was lodged by one Amrat Minj and it was alleged in the FIR that on 01.05.2020, there was quarrel between the deceased and the applicant and her daughter. The applicant and her daughter committed maarpeet with the deceased and thereafter set her on fire and due to which, she died on 08.05.2020 at 2:30 am. In the dying declaration of the deceased, she stated that the applicant and her daughter committed maarpeet with her and thereafter she was burnt.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. After about 3 months of the incident, the FIR was lodged at the instance of villagers and the applicant has been arrested. He further submits that the dying declaration of the deceased was recorded on 02.05.2020 and the FIR was lodged after about 3 months. Narayan Ratre, the younger son of the deceased, has given his affidavit and in the said affidavit, he has stated that his mother has died due to burning when she was making tea in the kitchen and his mother and the applicant and her family were living happily together. On 08.05.2020, the inquest report was prepared in presence of Narayan Ratre and in the said inquest report also, this fact is mentioned that when she was making tea, she got burnt accidentally and thereafter died. The statement of Narayan Ratre was recorded on 14.08.2020 i.e. after about 3 months of the incident.
4. Learned State counsel opposes the bail application.
5. In this case, admittedly, the incident took place on 01.05.2020

when the deceased got burnt and succumbed to the burn injuries on 08.05.2020. Further, dying declaration of the deceased was recorded on the next day of the incident i.e. on 02.05.2020 where she is said to have stated that she was set on fire by the applicant and her daughter. However, the FIR was lodged on 09.08.2020 i.e. after more than 3 months of the incident. The inquest over the dead body was prepared on 08.05.2020, to which Narayan Ratre, the younger son of the deceased, is one of the witnesses. The statement of Narayan Ratre has been recorded by the Police twice, first on 08.05.2020 where he states that his mother caught fire while making tea accidentally and thereafter on 10.08.2020 also, he states the same fact. This apart, statements of other witnesses have also been recorded by the Police after more than 3 months of the incident. No FIR was lodged by the Police after the incident on 01.05.2020 or even after recording of dying declaration of the deceased on next day i.e. on 02.05.2020.

6. Thus, in totality of the facts and circumstances, the nature and quality of evidence collected by the prosecution so far, the manner in which the investigation has been carried out, the detention period of the applicant, the fact that the charge sheet has already been filed and the conclusion of the trial is likely to take some time, without expressing anything on the merit of the case, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and it is directed that in the event of applicant's executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the

satisfaction of the Trial Court, the applicant be released on bail.

She is directed to appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

8. It is made clear that the applicant shall not involve herself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
Gautam Chourdiya
Judge

Nirala