

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC A No. 39 of 2021

1. Banarsi Lal Khas S/o Shri Moolchand Khas Aged About 47 Years
2. Smt. Rekha Khas W/o Shri Banarsi Lal Khas Aged About 38 Years

Both are R/o Ward No.5 Bhattipara Shivaji Ward Baikunthpur, Thana And Tahsil-Baikunthpur, Civil And Revenue District- Korea (C.G.)

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station- Baikunthpur, District- Korea (C.G.)

---- Respondent

MCRC A No. 170 of 2021

1. Anita Khatik W/o Raju Khatik Aged About 48 Years R/o- Ward No. 10, Dabripada, Baikunthpur, P.S. And Tehsil Baikunthpur, Koriya, Chhattisgarh.
2. Raju Prasad Khatik S/o Moolchand Khatik Aged About 50 Years R/o- Dabripada, District- Koriya, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Police Station- Baikunthpur, Distt.- Koriya (Chhattisgarh)

---- Respondent

For Applicants Mr. Sunil Sahu, Advocate
(MCRCA No.39/2021)

For Applicants Mr. Manish Sharma, Advocate
(MCRCA No.170/2021)

For Respondent /State Mr. Ayaz Naved & Mr. Alok Nigam,
Govt. Advocates

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

3/3/2021

1. Since both the bail applications are arising out of same crime number i.e. 321/2020 they are being considered and decided by this common order.
2. The applicants have preferred these bail applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.321/2020, registered at Police Station Baikunthpur, District Koriya (CG), for offence punishable under Sections 147, 306, 498-A & 34 of the Indian Penal Code.
3. Applicants – Banarsi Lal Khas & Raju Prasad Khatik are the brother-in-laws (जेठ) and the applicants Smt. Rekha Khas & Anita Khatik are the sister-in-laws (जेठानी) of Arti Khatik (since deceased), who committed suicide by setting herself ablaze on fire on 2-9-2019 and died in course of treatment on 9-9-2019.

4. Learned counsel for the State, per contra, would oppose the bail applications.
5. There is no allegation of demand of dowry by any of the accused. In the dying declaration recorded on 4-9-2019 the deceased has made allegation that the present applicants were also involved in torturing her by demanding money, however, in the diary statements of father & father-in-law of the deceased it is mentioned that Chandan Khatik (husband of the deceased) is a drunkard, therefore, he used to waste money on consuming liquor by demanding the same from the deceased out of her earning from stitching work. She objected to her husband's conduct of selling household articles for collecting funds for consuming liquor. Knowing fully well that the deceased was pregnant her husband assaulted her on the date of incident, therefore, in utter disgust she put herself ablaze on 2-9-2019.
6. The present applicants are residing in a different house in the same locality. The main allegation appears to be against the husband Chandan. Names of these applicants have been mentioned in the dairy statement of Moolchand (father-in-law of the deceased), however, the allegation concerns sharing common intention by supporting Chandan.
7. Considering the nature of allegation; they reside in a separate house; and also considering the fact that their custodial interrogation does not seem to be necessary, this Court is inclined to release the applicants on anticipatory bail.
8. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants, they shall

be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- they shall make themselves available for interrogation by a police officer as and when required;
- they 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.
- they shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri