

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 917 of 2021**

1. Jawahir Jaiswal, S/o Atma Ram Jaiswal, Aged About 47 Years
 2. Smt. Kunti Bai W/o Jawahir Jaiswal Aged About 45 Years
- Both R/o Village Kusumjhar, Tahsil And P.S. Dabhra, District Janjgir Champa Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Dabhra, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicants	: Shri Kamal Kishor Patel, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

11.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No. 294 of 2021 registered at Police Station Dabhra, District Janjgir-Champa, Chhattisgarh for commission of offenses punishable under Sections 307, 498-A, and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant married with Arjun Jaiswal on 14.02.2020. On 23.04.2021, present applicants, father-in-law and mother-in-law along with husband-Arjun Jaiswal, Sister-in-law Savitri, and brother-in-law Ashok, all of them came to her room stating that they will not leave her alive. Applicant-1 poured Kerosene upon her and Savitri put fire through match-stick. She screamed and neighbours rushed to her house, upon which her in-laws and neighbours extinguished fire and took her to the hospital. Based on written complaint by the complainant, instant crime was registered against present applicants, Arjun Jaiswal, Savitri and Ashok.

3. Applicants, apprehending their arrest, filed this anticipatory bail application after rejection of their application by the Court below.

4. Shri Kamal Kishor Patel, learned counsel for the applicants would submit that allegations against present applicants are false and frivolous. Incident took place on 23.04.2021, while complainant was preparing food in kitchen, she came in contact with fire and she started screaming. Upon her screaming, husband of complainant rushed to kitchen and extinguished fire by throwing water upon her. She was immediately taken to Government Hospital, and looking to her burn injuries, she was referred to hospital at Raigarh. She was admitted to Sanjeevani Hospital at Raigarh. Upon intimation, Police came there and took statement of complainant as well as mother of complainant on 24.04.2021. In the statement recorded by the Police immediately after the incident, complainant and her mother have stated that when complainant was cooking food in kitchen, she came in contact with 'earthen lamp' and thereafter, her cloths started burning. Upon her scream, husband of complainant came there and after extinguishing fire, took her to the Hospital. No allegations have been levelled against present applicants either by complainant or by her mother of ill-treating or harassing complainant with regard to demand of dowry and setting her on fire. False and baseless allegations have been levelled only on 17.07.2021, after two and half months of incident.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that in written complaint lodged before Police Station, serious allegations

of assault and setting her on fire have been levelled against applicants. As per allegation, Applicant-1 poured Kerosene upon complainant and Savitri (sister-in-law) lit fire through match-stick. Hence, applicants are not entitled for grant of anticipatory bail. However, upon putting specific query with regard to statement recorded on 24.04.2021 placed on record along with covering memo, learned counsel has gone through it and submits that certified copy has been obtained by the applicants from Police Station Dabhra, In the statement, no such allegation is levelled against applicants by complainant as mentioned in written complaint dated 17.07.2021.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicants, the fact that immediately after the incident on 23.04.2021, Police recorded statement of complainant and her mother on 24.04.2021, wherein they stated that burn injuries suffered by the complainant are accidental in nature, there is no allegation of ill-treatment or harassment with regard to demand of dowry, or setting complainant on fire, and written complaint has been made only on 17.07.2021 after about two and half months of the incident, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, they shall be released on anticipatory bail by the Officer arresting them

on their executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions:

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- b) 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 them from disclosing such facts to the Court or to any Police Officer;
- c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma