

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7064 of 2021

1. Smt. Firteen Bai, W/o Ram Jharokha Kashyap, Aged About 50 Years, R/o Avrid, P.S.- Nawagarh, District- Janjgir- Champa, Chhattisgarh.
 2. Smt. Arti Bai Kashyap, W/o Ujjain Kashyap, Aged About 29 Years, R/o Avrid, P.S.- Nawagarh, District- Janjgir- Champa, Chhattisgarh.
- Applicants**

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station- Nawagarh, District- Janjgir- Champa, Chhattisgarh.
- Non-Applicant**

For Applicants	: Shri Vivek Sharma, Advocate
For Non-Applicant/State	: Shri Adil Minhaj, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

12.11.2021

- 1) The First bail application of the applicants was dismissed on merit by this Court vide order dated 22.06.2021 in MCRC No. 9191/2020.
- 2) The applicants have preferred this Second Bail Application under Section 439 of Code of Criminal Procedure, 1973 as applicants were arrested on 11.11.2020 in connection with Crime No. 322/2020 registered at Police Station- Nawagarh, District- Janjgir- Champa (C.G.) for the offence punishable under Sections 498 (A), 302, 201, 304-B/34 of IPC.
- 3) Case of the prosecution, in brief, is that the deceased and co-accused Ramavtar solemnized marriage on 23.09.2014, thereafter, the applicant party continuously tortured the deceased for demand of dowry and on 06.10.2020 the applicant party set her ablaze, she was hospitalized and died during the course of treatment.
- 4) Learned counsel for the applicants submit that the applicants have been falsely implicated in the crime in question. Learned

counsel for the applicants further submits that the applicant Firteen Bai who mother-in-law of the deceased is suffering from illness due to fracture of her leg, she is an old lady. Applicant No.2 Arti Bai Kashyap is sister-in-law (*jethani*), who was living separately after partition for the last 4-5 years. It is further submitted that the applicants are in jail since 11.11.2020, charge-sheet has already been filed. The applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and trial is likely to take some time for disposal, therefore, the applicants be released on bail by this Court.

- 5) On the other hand, learned counsel for the Non-Applciant/State opposes the bail applications, however, he submits that there is no change in the circumstances of the case.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, after filing of this application, charge-sheet has been filed under Section 498 A, 304 B/34, 302, 201 of IPC but looking to the statement of the father of the deceased recorded under Section 161 of CrPC on 17.10.2020 wherein he states that the deceased made oral dying declaration before him that kerosene was poured on her by mother-in-law Firteen Bai, deceased was set on fire by her father-in-law- Ramjharokha Kashyap and her sister-in-law -Arti Kashyap had caught hold of her hand, as such the main and serious allegations are against father-in-law- Ramjharokha Kashyap, mother-in-law- Firteen Bai and sister-in-law- Arati Bai Kashyap, the other material available on record, this Court finds no change in the circumstances in favour of the applicants in entitling them for grant of bail. Accordingly, the bail application is rejected.

Sd/-
(Gautam Chourdiya)
Judge