

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6488 of 2021

Monu Sonwani S/o Shri Brijlal Sonwani Aged About 23 Years R/o Village Sumerpur (Chanwari Dand), Police Station And Tahsil Ramanujnagar, And District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Shri G.P. Shukla, Advocate

For Non-applicant : Ms. Smriti Shrivastava, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

13/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.102/2021 registered at Police Station- Ramanujnagar, District- Surajpur (C.G.) for the offence punishable under Sections 307, 506 of IPC.
2. Case of prosecution is that on 26.3.2021, when applicant came to his house and asked for dinner from complainant, some delay was caused in serving dinner to applicant on which he became aggressive, abused, assaulted and set complainant on fire. She

was taken to hospital where doctor found 70-75 % burn injuries. She was discharged from hospital on 24.4.2021 and thereafter written report was lodged on 12.6.2021 stating therein that it is the applicant who set the complainant on fire by pouring kerosene upon her. Based on report lodged by complainant, aforementioned crime was registered and applicant was arrested on 12.6.2021.

3. Shri Gyan Prakash Shukla, learned counsel for the applicant would submit that allegation levelled against applicant is absolutely false, baseless and afterthought. As per the contents of complaint, incident took place on 26.3.2021, she was immediately taken to hospital where she underwent treatment till 24.4.2021. Immediately after the incident, Executive Magistrate recorded dying declaration of the complainant on 28.3.2021 wherein she has not levelled any allegation of any nature against applicant but has stated that due to quarrel between applicant and her, she poured kerosene and set herself on fire. Complaint lodged is highly belated on 12.6.2021. He further pointed out that there is another dying declaration dated 18.4.2021 wherein the complainant has made allegation against applicant of commission of crime. He submits that in view of the two dying declarations available on record i.e. charge sheet, the allegation levelled against applicant is suspicious and with ill intention. Hence, applicant may be enlarged on regular bail.

4. Ms. Smriti Shrivastava, learned counsel for the State opposes the submissions of learned counsel for the applicant and would submit that in dying declaration recorded by Executive Magistrate on 18.4.2021, complainant has levelled specific allegation of assault and setting her on fire by pouring kerosene upon her against applicant. She further submits that complainant suffered 70-75 % burn injuries over her person as appearing in the case diary. She submits that specific allegations have been levelled against applicant by complainant in her statement under Sections 161 and 164 Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, contents of dying declaration dated 28.3.2021 which is recorded by Executive Magistrate and is part of charge sheet, applicant was arrested on 12.6.2021, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-
 - a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
 - b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the

future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen