

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1029 of 2021**

1. Ashok Jaiswal, S/o Jawahir Jaiswal Aged About 30 Years
2. Savitri Jaiswal W/o Ashok Jaiswal Aged About 25 Years

Both R/o Resident Of Village Kusumjhar, Tahsil And P.S. Dabhra, District Janjgir Champa Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Dabhra, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	: Shri Kamal Kishor Patel, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

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

02.09.2021

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, 498A and 34 of IPC.

2. Case of the prosecution, in brief, is that, complainant got married with Arjun Jaiswal on 14.02.2020. On 23.04.2021, applicants along with other co-accused persons ie father-in-law, mother-in-law, and husband, came to her room stating that they will not leave her alive. Father-in-law poured Kerosene on complainant and Applicant-2 herein put fire through match-stick. On complainant's screaming and shouting, neighbours rushed to her house, upon which her in-laws and neighbours extinguished the fire and took her to hospital. Written report was lodged on 17.07.2021, based upon which FIR was registered against applicants and other co-accused persons.

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 submits that allegations levelled against applicants are totally false and frivolous. Incident took place on 23.04.2021 while complainant was preparing food in kitchen, and she came in contact with fire and started screaming. On hearing her shouting, husband rushed to kitchen and with the help of others, he extinguished fire by putting water on her. She was immediately taken to Government Hospital, looking to nature of burn injuries, she was referred to higher hospital, upon which she was admitted to Sanjeevani Nursing Home, Raigarh. Merg was intimated to the Police, who recorded statement of complainant and her mother on 24.04.2021 at hospital. In the statement, neither complainant nor her mother, levelled any allegation of any nature against applicants, instead, they stated that complainant while cooking food, came in contact with earthen lamp and her clothes started burning. Allegation of commission of crime on the demand of dowry levelled against applicants for the first time, after lapse of about three months, only on 17.07.2021. Learned counsel also submits that on similar allegations, other two co-accused persons were granted benefit under Section 438 of CrPC vide order dated 11.08.2021 in MCRC-917 of 2021.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that serious allegations have been levelled by complainant in her written report of assault and setting her on fire. As per allegation, Applicant-2 set complainant on fire with a match-stick. Further, upon

putting specific query with regard to statement recorded on 24.04.2021 by Police, he submits that in statement recorded at the time of merger enquiry, complainant and her mother have not levelled any allegations as mentioned in written report dated 17.07.2021, but they stated that complainant came in contact with earthen lamp while cooking food, and her clothes started burning.

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 incident on 23.04.2021, Police recorded statement of complainant and her mother on 24.04.2021 at hospital, on the next day, wherein they stated that burn injuries caused to complainant are accidental in nature, there is no allegation of ill-treatment or harassment with regard to demand of dowry, or setting her on fire by any one, without commenting anything on merits of the 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 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 them 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