

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1224 of 2021**

- Arjun Jaiswal, S/o Jawahir Jaiswal, aged about 29 Years, R/o Village Kusumjhar, Tahsil and P. S. Dabhra, District Janjgir Champa, Chhattisgarh.

----Applicant**Versus**

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

----Non-applicant

For Applicant	Shri Kamal Kishore Patel, Advocate.
For State	Shri Sudhir Sahu, Panel Lawyer.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

05/10/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his 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 applicant Arjun Jaiswal on 14.02.2020. On 23.04.2021, co-accused Jawahir Jaiswal, father-in-law and Smt. Kunti Bai, mother-in-law along with husband- Arjun Jaiswal (present applicant), Sister-in-law Savitri, and brother-in-law Ashok, all of them came to her room stating that they will not leave her alive. Co-accused-Jawahir Jaiswal 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 applicant Arjun Jaiswal, Jawahir Jaiswal, Smt. Kunti Bai, Savitri and Ashok.

4. Shri Kamal Kishore Patel, learned counsel for the applicant would submit that allegations against present applicant and his family members 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 started screaming. Upon her screaming, applicant rushed to kitchen and extinguished fire by putting water upon her. She was immediately taken to Government Hospital, and looking to the nature of her burn injuries, she was referred to hospital at Raigarh. She was admitted to Sanjeevani Hospital at Raigarh. Upon intimation of incident being given to police, the police came to the hospital on 24.04.2021 and recorded statement of complainant as well as mother of complainant under Section 161 of Cr.P.C. where they 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 applicant 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. Lastly, he submits that

the other co-accused persons in this case have already been granted anticipatory bail by this Court in MCRCA No.917 of 2021 & MCRCA No.1029 of 2021 vide orders dated 11.08.2021 & 02.09.2021 respectively.

5. On the other hand, Shri Sudhir Sahu, 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 applicant and his family members. The allegation of pouring kerosene oil is against father-in-law Jawahir Jaiswal and setting the complainant on fire through match-stick is against her sister-in-law Savitri. The applicant at that relevant time was present there, hence, applicant is not entitled for grant of anticipatory bail. However, upon putting specific query with regard to statement recorded on 24.04.2021, he submits that in the statement recorded on 24.04.2021, there is no such allegation levelled against applicant by complainant as mentioned in written complaint dated 17.07.2021.

6. I have heard learned counsel for the parties.

7. Taking into consideration the nature of allegations levelled by the complainant, who is wife of the applicant, the fact that immediately after the incident on 23.04.2021 Police recorded the 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 in their statements, without commenting anything on merits of case, I am inclined to grant

anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE