

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 8976 of 2020

1. Ramjharokha Kashyap, S/o Shri Deviram Kashyap, Aged About 55 Years, R/o Village- Awarid, Police Station- Nawagarh, Civil and Revenue District- Janjgir-Champa, Chhattisgarh.
2. Anusuiya, W/o- Shri Rajendra Kashyap, Aged About 31 Years, R/o Village- Bhaismudi, Police Station Nawagarh, Civil and Revenue District – Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through- The Station House Officer, Police Station- Nawagarh, Civil and Revenue District- Janjgir-Champa, Chhattisgarh.

---- Non-Applicant

MCRC No. 9191 of 2020

1. Firteen Bai, W/o Shri Ram Jharokha Kashyap, Aged About 50 Years, R/o Village- Awarid, Police Station- Nawagarh, Civil and Revenue District- Janjgir- Champa, Chhattisgarh.
2. Arati Bai Kashyap, W/o- Shri Ujain Kashyap, Aged About 29 Years, R/o Village- Awarid, Police Station- Nawagarh, Civil and Revenue District- Janjgir- Champa, Chhattisgarh. **---- Applicants**

Versus

- State of Chhattisgarh, Through- The District Magistrate Janjgir, Civil and Revenue District Janjgir- Champa, Chhattisgarh.

---- Non-Applicant

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

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

22.06.2021

- 1) Since both these cases arise out of same crime number, they are

being disposed of by this common order.

- 2) The applicants have preferred these First Bail Applications 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), 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 father-in-law namely Ramjharokha Kashyap was on duty at the time of incident (Annexure A/2), applicant Anusuiya is a married lady and living in her in-laws house in Bhaismudi Village. Applicant Firteen Bai, who is mother-in-law of the deceased and Arati Bai Kashyap are also living separately after partition for the last 4-5 year ago, it is further submitted that the applicants are in jail since 11.11.2020, applicants have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding and due to COVID-19 trial is likely to take some time for its final disposal, the applicants be released on bail by this Court.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail applications, however, he submits that the applicants have no criminal antecedent.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, after filing 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 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, whereas sister-in-law Anusuiya was only abusing her, 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, there is sufficient material available on record, without commenting anything on merits of the case, bail application filed by the applicants Ramjharokha Kashyap, Firteen Bai and Arati Bai Kashyap are rejected.

As far as applicant Anusuiya is concerned, looking to the fact that against applicant Anusuiya there is no allegation of assault, the only allegation made against her is that she abused the deceased, the applicant Anusuiya is mother of two children, living in different village i.e. Bhaismudi, charge-sheet has been filed, detention period of the applicant Anusuiya, who is 31 years old, she has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 pandemic conclusion of trial may take some time, therefore, without commenting anything on the merits of the case, the bail application on behalf of Anusuiya in MCRC No. 8976/2020 is allowed.

- 7) It is directed that in the event of the applicant Anusuiya executing a personal bond for a sum of Rs.50,000/- with one surety of Rs. 25,000/- to the satisfaction of the concerned Trial Court, she shall be released on bail on the following conditions:-

(a) she 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 him from disclosing such fact to the Court.

- (b) she shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.
- (d) she shall not involve herself in any offence in future.
- (e) she shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving herself in any offence in future.

In the results: Bail application filed on behalf of Anusuiya in MCRC No. 8976/2020 is allowed whereas bail applications on behalf of Ramjharokha Kashyap, Firteen Bai, Arati Bai Kashyap are rejected.

Sd/-
(Gautam Chourdiya)
Judge

Nadim