

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7458 of 2020**

- Amanchand. S/o Motichand Rautiya, Aged About 23 Years R/o Village - Lafa, Police Station Pali, District- Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Suhela, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

MCRC No. 9134 of 2020

- Ajay Verma S/o Shri Ganesh Verma Aged About 24 Years R/o Village Maldi, P.S. Suhela (Grameen), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Suhela, District- Balodabazar-Bhathapara, Chhattisgarh. (Wrongly Mentioned As P.S. Bhathapara (Grameen) In The Bail Rejection Order)

---- Respondent

For Respective Applicants :	Ms. Supriya Upasane, Advocate and Mr. Pragalbha Sharma, Advocate.
For State :	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****19/02/2021**

Heard.

1. Both the bail applications are being decided by this common order as they arise out of the same crime number.
2. At the outset, learned counsel for the applicant-Ajay Verma seeks to withdraw the bail application of applicant- Ajay Verma.
3. Accordingly, the bail application of applicant- Ajay Verma is dismissed as withdrawn.
4. The applicant- Amanchand has moved this application for grant of bail as he is

arrested in connection with Crime No.144/2020 registered at Police Station- Suhela, District- Balodabazar-Bhatapara, C.G. for the alleged commission of offence under Section 307/34 of IPC.

5. Prosecution case is that victim got report lodged in the police station and later on her dying declaration was also recorded in the hospital, in which, it was stated that she was set on fire by Ajay Verma with whom she was alleged to be in love affair. As far as present applicant is concerned, in the diary statement of victim, when Ajay Verma set on fire and started running away from the spot, Amanchand also ran away.
6. Learned counsel for the applicant- Amanchand would submit that as far as present applicant is concerned, there is no allegation of this applicant doing any criminal overt act to say that he was also associated in the criminal act of co-accused Ajay Verma. He would next submit that in the dying declaration of the deceased also there is no whisper with regard to any role played by the applicant- Amanchand.
7. On the other hand, learned State Counsel opposes and submits that though in the dying declaration and FIR name of present applicant is not there but in the case diary statement of the deceased recorded prior to death while she was admitted in the hospital, she stated that when Ajay Verma set her on fire and started running away from the spot, Amanchand also started running away, which *prima facie* show that Amanchand had also come along with co-accused Ajay Verma, therefore, *prima facie*, present applicant Amanchand is also involved.
8. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration the contents of the FIR, case diary and dying declaration and further that in the dying declaration the applicant- Amanchand has not been named, investigation is complete and charge sheet has been filed, therefore, at this stage, I am inclined to grant bail to the present applicant- Amanchand.
9. Accordingly, the bail application of applicant- **Amanchand** is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with two local sureties of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) the applicant shall appear before the Trial Court regularly on each and

every date, unless exempted from appearance.

b) the applicant shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi