

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 8253 of 2021

Rajeev Verma and another **Versus** State of Chhattisgarh

10.12.2021	Mr. Vaibhav Singh, Advocate on behalf of Mr. Prasoon Agrawal, Advocate for applicants. Mr. Sameer Oraon, Government Advocate for the State. Heard on I.A. No. 02/2021. Learned counsel for applicants submits that in bail application crime number is erroneously mentioned as '190/2021' whereas correct crime number is '290/2021'. He submits that pleading in bail application with respect to crime number 190/2021 is erroneous and prays that he may be permitted to correct crime number from 190/2021 to 290/2021. He also submits that in another bail application-MCRC No. 9326/2021- crime number is correctly mentioned as 290/2021 wherein mother & sister of applicant No. 1 who are applicants therein made accused. Mr. Sameer Oraon, learned State counsel submits that the correct crime number with respect to present bail application is '290/2021' and not '190/2021'. In view of above, I.A. No. 02/2021 stands allowed. Learned counsel for applicants is permitted to make necessary corrections. With the permission of the Court, learned counsel for applicants has corrected crime number in bail application. Bail application is heard finally. Order dictated and signed separately. Sd/- (Parth Prateem Sahu Judge

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HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8253 of 2021**

1. Rajeev Verma, S/o Netram Verma, aged about 22 Years R/o. Village Khatai, Police Station Nandghat, District Bemetara Chhattisgarh.
2. Netram Verma, S/o Khorbahra Verma, aged about 50 Years R/o. Village Khatai, Police Station Nandghat, District Bemetara Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station - Nandghat, District Bemetara Chhattisgarh.

-----Non-applicant**WITH****MCRC No. 9326 of 2021**

1. Smt. Gangotri W/o Netram Verma Aged About 45 Years R/o Village Khatai, P.S. Nandghat, District- Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh
2. Smt. Ranjeeta Verma W/o Doman Aged About 27 Years R/o Village Dewakar, P.S. Sargaon, District- Mungeli, Present R/o Khatai, P.S. Nandgath, District- Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station- Nandgath, District- Bemetara, Chhattisgarh

---- Respondent

For Applicants	: Mr. Vaibhav Singh, Adv. On behalf of Mr. Prasoon Agrawal, Advocate
For Non-applicant/State	: Mr. Sameer Oraon, Govt. Adv.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****10/12/2021**

1. Applicants have filed these applications under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 290/2021 registered at Police Station Nandghat, District

Bemetara (C.G.) for the offence punishable under Sections 307, 498(A) r/w Section 34 of IPC.

2. Case of prosecution is, that applicant no. 1/ Rajeev Verma got married with Mohini Verma in accordance to Hindu rituals on 08.05.2021. In the intervening night of 15.06.2021 and 16.06.2021 she suffered burn injury. She was initially taken to hospital at Sambalpur and thereafter she was referred to Government hospital, Mungeli and then further referred to CIMS hospital, Bilaspur. Her statement was recorded by Executive Magistrate on 16.06.2021 at 02:30 pm at Bilaspur. Injured Mohini lodged written report on 16.08.2021 making allegations that on account of demand of dowry of Rs. 2 Lakh, applicant No. 1 set her on fire by pouring kerosene oil. Based on the report, FIR was registered for aforementioned offence against applicants. Applicant Rajeev Verma and Netram Verma were arrested on 26.08.2021, whereas applicants Gangotri and Ranjeeta Verma were arrested on 23.10.2021

3. Mr. Vaibhav Singh, learned counsel for applicants would submit that allegation levelled against applicants with regard to demand of dowry is false and baseless. Applicant Rajeev Verma got married just about one-month prior to date of incident. There is no complaint prior to date of lodging FIR to any of the relatives or their community, in fact, injured Mohini was taken to hospital and got admitted at CIMS Hospital by her father and maternal uncle. Her dying declaration was recorded by Executive Magistrate at 2:30 pm at Bilaspur itself after seeking opinion from doctor with respect to her condition whether she could give her statement or not, and only thereafter Executive Magistrate recorded her statement in which she has not levelled any allegation as alleged in FIR. In her dying declaration, she has stated that she suffered accidental burn injuries when she went to fodder

the animals tied up outside the house. Learned counsel submits that written report is lodged only on 16.08.2021 ie. after about two-months of incident which is belated and the allegation levelled against applicants are an afterthought to falsely implicate them in the crime for the reasons best known to injured. He submits that applicants have not committed any offence as alleged against them, hence, they may be enlarged on bail.

4. Mr. Sameer Oraon, learned State counsel, while opposing the submissions made by the learned counsel for the applicants, would submit that serious allegations have been levelled by the injured wife of applicant no. 1/ Rajeev Verma in written complaint that all the applicants have committed offence as alleged against them for demand of dowry. After asking learned counsel for the State with respect to submissions made by learned counsel for applicants concerning dying declaration of injured Mohini recorded by Executive Magistrate at Bilaspur, he submits that dying declaration recorded by Executive Magistrate is available in the case diary which is also part of charge-sheet wherein injured wife of applicant No. 1 has not levelled any allegation as appearing in the FIR. He also admits written report is dated 16.08.2021 by injured Mohini Verma herself and further submitted that the dying declaration also bears signature of injured Mohini. Learned State counsel further submits that there is criminal antecedent against applicant Netram Verma of the year 2019 for the offence under Section 323 of IPC.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations levelled against applicants, period of marriage, dying declaration recorded by Executive Magistrate bearing signature of injured Mohini Verma, without commenting anything on merits, I

am inclined to allow the bail applications.

7. Accordingly, the bail applications are allowed. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicants are 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

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