

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5357 of 2015

Sanjay Dhruve, S/o Shri I.P. Dhruve, R/o D-42, Ring Road, Near Pond,
Rohinipuram, Raipur, Tahsil and District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station D.D.
Nagar, Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Shailendra Dubey, Advocate.
For Non-applicant:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/10/2015

1. At the outset, Mr. Shailendra Dubey, learned counsel for the applicant submits that offence under Sections 307 of the IPC and 3 (d) (1) of the Protection of Women from Domestic Violence Act, 2005 has been registered against the applicant, whereas in the cause title, inadvertently, name of the Act has been mentioned as the Women Conservation Act, 2005, and he seeks permission to correct the same. He is permitted to correct the cause title accordingly.
2. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.168/2015, registered at Police Station D.D. Nagar, Raipur, for the offence punishable under Sections 307 of the IPC and 3 (d) (1) of the Protection of Women from Domestic Violence Act, 2005.
3. Case of the prosecution, in brief, is that on 8-9-2015, the applicant assaulted his wife Manju Dhruve by throwing iron chair on her by which she suffered

grievous injuries which were sufficient to cause death.

4. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in jail since 10-9-2015. He further submits that there is no such serious dispute between husband and wife, in fact, a small dispute arose between them and injuries are simple in nature, as such, the matter is likely to be settled if bail is granted to the applicant. Charge-sheet is yet to be filed.
5. On the other hand, learned State counsel opposes the application and submits that the applicant has illicit relation with one Anumati Dubey, for that reason the dispute arose between the applicant and his wife, and the applicant has caused such injury to his wife.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, nature of dispute, relationship between the applicant and the complainant is husband and wife, pretrial detention of the applicant and nature of injury, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
8. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge