

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4607 OF 2015**

Sheikh Sarver S/o Sheikh Nawab (wrongly mentioned as Nawaz in the order sheet), aged about 35 years, R/o Ganesh Nagar Chuchuhiyapara, Police Station Sirgitti, Civil and Revenue District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Sirgitti, District Bilaspur Chhattisgarh.

---Non-applicant

For Applicant	:	Mr. Prakash Tiwari, Advocate
For Non-applicant/State	:	Ms. Ansuiya Rajput, P.L.
For objector	:	Mr. Pravin Kumar Tulsyan, Advocate and
	:	Mr. Amit Verma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 199/2015, registered at Police Station Sirgitti, District Bilaspur, for the offence punishable under Sections 323, 506-B, 342, 498-A, 384 of Indian Penal Code.

2. Case of the prosecution, in brief, is that on 02/08/2015 applicant assaulted his wife Smt. Shalia Khatoon in connection with demand of dowry by which she suffered grievous injury and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in

question. He would further submit that on account of certain family disputes incident in question has happened. He would also submit that there is no boney injury and injuries caused are simple in nature. He would lastly submit that charge sheet has been filed and applicant is in jail since 07/08/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State and learned counsel for the objector would oppose the bail application and submit that grievous injuries have been inflicted by the present applicant to his wife and she remained hospitalized for a week. They would further submit that looking to the nature of injuries applicant does not deserve to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; nature of dispute; nature of injury; pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE