

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5312 OF 2015**

Shanker Nandan son of late Swami Nandan, aged about 28 years, R/o Kartik Chowk, Shivaji Nagar, Khursipar, Bhilai, P.S. Khursipar, Tahsil and District Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station Khursipar, Tahsil and District Durg (C.G.)

---Non-applicant

For Applicant	:	Mr. Jitendra Gupta, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/10/2015**

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. 434/2014, registered at Police Station Khursipar, Tahsil and District Durg (C.G.), for the offence punishable under Section 307 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 20/12/2014 present applicant assaulted his wife Ramini by Blade by which she suffered grievous injury which was sufficient to cause death.

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 in some domestic dispute, such injury has been caused by the applicant/husband upon his wife and therefore, there

was no intention to cause injury. He would further submit that injury caused was simple in nature. He would lastly submit that charge-sheet has been filed and applicant is in jail since 22/12/2014 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that grievous injury was caused.

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 injury; relationship between applicant and complainant as husband and wife; 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