

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5654 of 2015

Abhishek John, S/o Late Pradeep John, aged about 34 years, R/o Qtr. No.538, Vaishali Nagar, Bhilai, Civil and Revenue District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through District Magistrate, Durg, Out Post Vaishali Nagar, Police Station Supela, Bhilai, District Durg (C.G.)

---- Non-applicant

For Applicant:	Mr. H.B. Agrawal, Senior Advocate with Mrs. Meera Jaiswal, Advocate.
For Non-applicant:	Mr. Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/10/2015

1. 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.567/2015, registered at Out Post Vaishali Nagar, Police Station Supela, Bhilai, Distt. Durg, for the offence punishable under Section 307 of the IPC.
2. Case of the prosecution, in brief, is that on 10-8-2015, the applicant assaulted his mother Anjula John by hands and fists, by which she suffered grievous injuries which were sufficient to cause death.
3. Learned counsel for the applicant submits that the applicant is said to have caused assault to his mother which is absolutely false, there is some family dispute between the parties and the applicant's mother is suffering from hypertension, therefore, on the spur of the moment, she became angry and filed report against the applicant i.e. her son in which the applicant is in jail since 11-8-2015 and charge-sheet is yet to be filed.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, relationship between the parties i.e. complainant and accused is mother and son, 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.
7. 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