

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7400 of 2015

Ujit Singh, S/o Parmanand Singh, Aged About 28 Years, R/o Village Kaluva, P.S. Jhagrakhand, Rev. & Civil Distt. Korea, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Jhagrakhand, Distt. Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. D. Kushwaha, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.164/2015 registered at Police Station- Jhagrakhand, District Korla (C.G.) for the offence punishable under Section 363, 307 of I.P.C.
2. Case of the prosecution, in brief, is that on 13.10.2015, the complainant Shanti was making white washing on her house at that time her daughter, aged about 1 year, was sitting nearby and the applicant came there and took away the daughter and started running and when he was chased, the daughter of the complainant was thrown into the ground and thereafter the applicant kicked the Baby. Subsequently, he was caught by the villagers and the report was made.
3. Learned counsel for the applicant submits that the applicant is an insane for which he was being treated, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and the manner in which the offence has been committed and considering the fact that the applicant is insane, I am not inclined to release the applicant on bail. However, the argument which has been advanced by the learned counsel for the applicant that the applicant is an insane then in such case if the State feels that the applicant is an insane, he may be suitably treated.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge