

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4389 of 2016

1. Sunil Kumar S/o Late Ramkumar Verma Aged About 21 Years R/O Village - Pajjani, Chowki - Lawan, Police Station - Kasdol, District - Balodabazar - Bhatapara Chhattisgarh
2. Anil Kumar son of late Ramkumar Verma, aged about 25 years, resident of village Pajjani, Chowki Lawan, Police Station Kasdol, Distt. Balodabazar Bhatapara (C.G) **--- Petitioners**

Versus

- State of Chhattisgarh Through The Station House Officer Police Station - Kasdol, District - Balodabazar - Bhatapara Chhattisgarh

---- Respondent

For the applicant	:	Mr. Goutam Khetrapal, Advocate
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.219 of 2016 registered at P.S. Kasdol, District Balodabazar-Bhatapara (C.G) for the offence punishable under Section 498-A, 323, 316/34 IPC.
2. As per the prosecution case, on 28.05.2016 over a family dispute with the complainant Ishwari Verma, applicant no.1 Sunil Kumar assaulted his wife (complainant) and thereafter she was left at her maternal home and when she came back along-with her brother, again the dispute took place and the applicants started beating the brother of complainant. During such course, a kick was made to the abdomen of the complainant whereby it resulted into abortion of her pregnancy. The complainant was married to applicant no.1

Sunil Kumar before 3 years of the incident.

3. Learned counsel for the applicant submits that over a trivial dispute the incident happened; there was no intention to kill the unborn child and section 316 IPC would also not be attracted in this case. It is further submitted that while the dispute was going on between brother of the complainant and the applicants, a scuffle took place and during such scuffle the complainant tried to intervene, as such the injury was caused to her abdomen, therefore, the applicants have not committed the offence with all intention and they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of complainant Ishwari Verma which shows that during dispute which was going on between the brother of complainant and the applicants, the complainant has intervened the scuffle and while she was intervening, the incident took place.
6. Taking into such statement of complainant, without any observation on merits of the case, I am inclined to allow this application.
7. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE