

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4335 of 2016

- Vikas Kumar Sahu S/O Shri Devki Nandan Sahu Aged About 30 Years R/O Near Mudapar Bazar, Korba, Mankpuri Chowki, P.S. Kotwali, Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Chowki Manikpur, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D. Guru, Advocate

For Respondent/State : Mrs. Soubha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29-08-2016

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 on 12-1-2016 in connection with Crime No. 9 of 2015, registered at Police Station Kotwali, Chowki Manikpur, District Korba (CG) for the offence punishable under Sections 307 and 506 of the IPC.
2. As per prosecution case, on 3-1-2015 at about 6.00 pm when the complainant, who is a widow lady, was going to market, at that time, the applicant all of a sudden caught hold of her hair and gave 6 – 7 stab injuries on her abdomen by way of knife, as a result of which she sustained grievous injuries and became unconscious and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that at the time of incident the applicant was insane and mentally ill and he was treated in Central Institute of Psychiatry, Ranchi and further he

was being treated regularly and at the time of incident the applicant was in the influence of mental disorder. He would further submit that the charge-sheet has been filed in this case and the applicant is in jail since 12-1-2016, therefore, he may be enlarged on bail.

4. On the other hand, State counsel opposes the bail application.
5. The State was directed to obtain the medical report of the present mental status of the applicant. The report would show that the applicant is being treated regularly for his mental disorder. Earlier the applicant was unable to give his evidence before the Court, but the recent report dated 8-7-2016 would show that the applicant is in a position to give his evidence before the court below as his mention condition is good.
6. I have heard learned counsel for the parties and have also perused the case diary and the documents.
7. Taking into consideration the facts and circumstances of the case, nature of offence, the manner in which the offence was committed and further considering the fact that the victim is a widow lady who had sustained 6 -7 stab injuries by the applicant by way of knife, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju