

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5221 of 2016

Smt. Preeti Giri W/o Mangesh Giri, Aged About 36 Years, R/o Plot No. 9, Shivaji Nagar, Supela, Bhilai, District- Durg (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through- District- Magistrate Durg (Chhattisgarh)

---- Respondent

For applicant - Shri P.R. Patankar, Advocate.

For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

For objector - Smt. Kiran Jain, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/09/2016

1. The applicant has preferred this application for grant of bail as she is arrested in connection with Crime No.256/2015 registered in Police Station Supela, Distt. Durg (C.G.) for offence punishable under section 307 of IPC.
2. As per the prosecution case, the applicant who is the wife over the domestic dispute assaulted the injured Mangesh Giri by hammer on his head. Thereby, tried to kill him.
3. Learned counsel for the applicant submits that the incident happened over a dispute between husband and wife and had there been intention to kill, further she could have killed the husband as there were no inmates in the house except the son who is a minor. He submits that the query report also do not show the injury to the extent which was fatal to the life. He further submits that the applicant is a lady, charge sheet has been filed, therefore she may be released on bail. Learned counsel for the applicant further submits on instructions as the relation have become strained, the applicant would not forcefully enter into the house of the objector to avoid any further mishappening and to disturb or influence the

evidence.

4. Learned State counsel and counsel for the objector opposes the prayer for grant of bail and submit that there is every likely hood that after the release, the applicant will forcefully enter into the house and would indulge the complainant into any false allegations.

5. Perused the statement of the victim as also query report. Considering the facts and circumstances of the case and background of the case as the dispute arose in between the husband and wife, considering the facts into totality no further investigation would be necessary and further considering the submission of applicant that she would not forcefully enter into house of complainant, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on her furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for her regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE