

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6258 of 2016

- Mayaram Bhaskar S/o Chintaram Satnami Aged About 40 Years
Occupation - Agriculturist, R/o Jhingra Dongri, Police Station Kukdur,
Tahsil Pandariya, District Kabirdham Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh Through - Police Station Kukdur, Tahsil
Pandariya, District Kabirdham Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Abhishek Pandey, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.10.2016

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. 35 of 2016 registered at P.S. Kukdur, Distt. Kabirdham (C.G) for the offence punishable under Section 307 of IPC.
2. As per the prosecution case, on 08.04.2016 while the wife of complainant Chit Bai was dressing the boundary marks of her field, at that time, some altercation took place between the applicant and Chit Bai whereby the applicant assaulted her by way of Axe, as a result of which, she sustained injury which was sufficient to cause death.
3. Learned counsel for the applicant would submit that the dispute arose between the parties over the right of boundary land and the injuries were not fatal in nature as no bony injury was caused. He further submits that the applicant and his wife were also assaulted for which a counter FIR was made and the wife of applicant was also admitted in hospital.

He further submits that there was no intention to kill. It is also submitted that the charge sheet in this case has been filed and the applicant is in jail since 26.6.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary, query report and medical report as also X-Ray report. The X-Ray report shows that no bony injury was caused.
6. Considering the background of the case and the way in which the offence happened as also taking into facts that the charge sheet in this case has been filed and the applicant is in jail since 26.6.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE