

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6515 of 2016

1. Manoj Kumar Kurre, S/o. Mayaram Kurre, aged about 25 years, R/o. Village-Bardulla, P.S – Kosir, Tahsil – Sarangarh, District – Raigarh (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : the District Magistrate Raigarh, District – Raigarh (C.G.) and through Station House Officer, P.S. - Kosir, District – Raigarh (C.G.) (It is not mentioned in the impugned order).

---- Respondent

For Applicant	: Mr. Manoj Jaiswal, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.76/2016, registered at Police Station – Kosir, District – Raigarh (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Babloo Nirala that while he was taking meal with the applicant on 02.06.2016, over serving of *Roti*, some altercation took place, wherein the complainant advised the complainant why he used to assault his wife, at that time, the applicant became enraged and assaulted the complainant Babloo Nirala by way of blade on his neck. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the incident happened out of sudden provocation and there was no intention to kill and had there been any intention to kill, the applicant would have assaulted by other means and the way the incident happened, would show that there is no intention to kill and the applicant and the injured are related to each other, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim and the medical report. Considering the background of the incident and the way it happened in between the relatives and the fact that charge-sheet in this case has been filed and further taking into the nature of injury, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge