

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6912 of 2016

1. Mukesh Dhuri, S/o. Rajkumar Dhuri, aged about 25 years, Village-Kormi (Baripara), P.S. - Sirgitti, Bilaspur, District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Police Station, Jarhagaon, District – Mungeli (C.G.)

---- Respondent

For Applicant : Dr. Shailesh Ahuja, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/11/2016

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.78/2016, registered at Police Station – Jarhagaon, Mungeli, District – Mungeli (C.G.) for the offence punishable under Section 307, 498 (A) of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the victim on 05.04.2016 that on 10.03.2016 the applicant abused and assaulted the victim/wife by way of stone on her head and she was unconscious for a quite time, which was enough to cause death. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that over a trivial dispute, the incident happened and there was no intention to kill the victim. It is further submitted that where the victim was admitted in the hospital, she shows that she herself was fallen down. It is further submitted that charge-sheet in this case has been filed and the

applicant is in jail since 07.04.2016, 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 case diary and the documents. The victim shows the cause of injury in the hospital that she fell down on stone. Considering the facts and circumstances and the background of the case and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 07.04.2016, 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