

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7331 of 2016

1. Saiyad Asgar, S/o. Saiyad Jafar, aged about 31 years, R/o. Madhbanpara, Police Station – City Kotwali, Raigarh, Tahsil and District – Raigarh (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. V.R. Tiwari, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/11/2016

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.365/2016, registered at Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 498-A, 326(A), 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that one Reshma Anjum was married to the present applicant in the year 2013, thereafter, she was subjected to torture for various reasons and on 26.06.2016, she was assaulted by way of club by the brother-in-law and poured

kerosene oil on her. Thereafter, she became unconscious and thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant and the victim after the marriage could not go along and the victim wanted to stay separately and statement would show that no acid was poured on the complainant and the allegation of pouring of kerosene is not on the applicant and at the time of incident, the present applicant was not present in the house and the applicant has also tried to reconcile the matter, which is evident from the document annexed with the bail application. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 29.06.2016, 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 report and the statement of the victim. Considering the nature of evidence available against the present applicant and allegation of pouring kerosene and assault is attributed to other accused i.e. sister-in-law and brother-in-law. Taking into the totality and the facts and circumstances of the case and the allegation against the applicant, 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

Balram