

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7691 of 2016

Laxmin Bai, W/o. Ramnarayan Chouhan, Aged About 21 Years, Caste - Chouhan, R/o. Sakreli, P.S. Sakti & Tahsil - Sakti, District Janjgir – Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District - Magistrate, Janjgir - Champa, District Janjgir – Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/12/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.255/2016 registered at Police Station- Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Section 307 of Indian Penal Code.
2. As per the prosecution case, the applicant who is wife of the complainant Ramnarayan Chouhan assaulted him by way of *Katta* i.e. an instrument used for cutting of fodder; thereby the offence is committed.
3. Learned counsel for the applicant would submit that only on the trivial issue, the incident happened. He submits that the applicant is the wife and the enquiry report shows that the injury was not fatal to cause death, therefore, the applicant being a lady may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, query report and medical documents. The query report prima facie shows that the injury was not fatal and in absence of treatment or if it had caused loss of blood, it could have fatal. Taking into such fact, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge