

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6588 of 2017

Padman S/o Shri Kanku Jaal, Aged About 43 Years R/o Village Turaikela,
P.S. Sindekela, District Balangir (Orisa), Current Address Q.No.3/ A, Street
No.22, Sector 8, Bhilai, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Durg, Chhattisgarh

---- Respondent

Shri Vipin Tiwari, counsel for the applicant/s.
Shri Chandresh Shrivastava, Panel Lawyer for the State.
Shri N.K.Chatterjee, counsel for the complainant / victim.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

08/12/2017

Heard.

The applicant has been arrested in connection with Crime No.320/1996 registered at Police Station – Arakshi Kendra, Durg (CG) for alleged commission of offences under Section 307, 34 of IPC.

2. Case of the prosecution is that during fight, the applicant assaulted the complainant with the help of sharp knife used by Barbers for shaving.

3. Learned counsel for the applicant submits that the applicant, in a family dispute during quarrel, single assault was given by the applicant. He would submit that the injury is not found to be of such a nature which would likely to cause death in the absence of treatment. It is submitted that investigation is complete, charge sheet has been filed. Therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that according to the victim, it is the applicant who gave assault with a sharp object on the temporal part of the body of the victim which shows that there

was an intention to cause death. Therefore, the application may be rejected.

5. Learned counsel for the complainant / victim submits that in a usual quarrel in the family, incident happened and the applicant did not have an intention to cause death. It is further submitted that in the circumstances, the complainant would not object to grant of bail to the applicant.

6. Taking into consideration the submission of learned counsel for the parties, particularly that a single assault was given by the applicant and the complainant would not object to grant of bail, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge