

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 246 of 2018**

Bhimsen S/o Anusuiya Prasad Gupta, aged about 45 years, R/o
Janakpur, Police Station Janakpur, District Korea (CG)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station –
Janakpur, District Korea (CG)

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 13.11.2017 in connection with Crime No. 114/2017 registered at Police Station Janakpur, District Korea (CG) for the offence punishable under Section 307 of IPC.

2. The case of the prosecution is that the present applicant had an altercation with his wife Anju Gupta and when the complainant Umesh tried to intervene, the applicant is said to have assaulted him with an iron rod and gave one blow which fell on his head.

3. Counsel for the applicant submits that there was no intention of the applicant for assaulting the complainant or to commit any act of attempt to murder against the complainant. He submits that it happened on the spur of the moment and it is also reflected from the fact that there was only one injury caused on the head of the complainant. He further submits that the nature of injury was also not too grievous as there was only lacerated

wound on the head of the complainant. Thus, prayed for the applicant to be released on bail.

4. State counsel, however, opposing the bail application submits that the assault having been made by the applicant on the vital part of the body with an iron rod, he does not deserve to be released on bail.

5. Having considered the facts and circumstances of the case, particularly taking note of the circumstances under which the applicant assaulted the complainant and also the period of custody already undergone, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**