

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1204 of 2018**

Manoj Kumar S/o Jeet Ram Jatwar Aged About 44 Years R/o. Village Tulsided, P.S. Dabhara, Tahsil Malkharoda, District- Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The District Magistrate, District Janjgir-Champa (C.G.), District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ishwar Jaiswal, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.04.2018**

Heard.

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.430 of 2017, registered at Police Station – Dabhara, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 294 and 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.12.2017 and he has been falsely implicated in this case. Complainant – Smt. Suman Jatwar is the wife of this applicant. It is submitted that because of some dispute between husband and wife, she lodged a false FIR against this applicant. The complainant has suffered accidental burn injuries. The applicant himself is incapable of doing the

alleged Act as he has 80% disability and his both lower limbs are disabled. It is further submitted that the complainant, his wife had filed an affidavit before the Sessions Court making a statement of no objection for grant of bail to the applicant which was not considered by the concerned Court. The certified copy of the affidavit was filed alongwith the application. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. After completion of investigation, the charge-sheet has been filed. According to the prosecution case, complainant – Smt. Suman Jatwar, is the second wife of this applicant and she was living with this applicant since 3-4 years. The applicant had made a demand of Rs.10,000/- from the complainant to bring from her paternal home, on that demand, she was given only Rs.600/-, for which he quarreled with the complainant and in that heat, he poured kerosene on the body of the complainant and set her on fire. The complainant got injuries on her legs, elbow and hand.

6. Looking to the disability of the applicant and also the statement of no objection given by the complainant, I am of the considered view that this is a fit case for grant of 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge