

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1509 of 2018

Naveen Keshri S/o Puran Keshri Aged About 34 Years R/o- Ward No. 6, Pipariya, Police Station- Pipariya, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- The Station House Officer Police Station- Pipariya, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. This is the third application for grant of bail to the applicant. His first bail application was disposed of as withdrawn on 17.5.2017 with liberty to revive after examination of material witnesses. Thereafter, another application was filed which was again withdrawn on 14.12.2017 with liberty to revive after examination of complainant or after two months whichever is earlier. This application has been filed by the applicant at a stage when the applicant has remained in jail for 1 year and 2 months by now.
2. The applicant has been arrested in connection with Crime No.13 of 2017 registered in Police Station- Pipariya, District- Kabirdham for the alleged commission of offence under Sections 307, 323 IPC.
3. Case of the prosecution, in brief, is that when the father-in-law of the applicant had come to meet to his daughter, the applicant got enraged and entered into

quarrel with him and when the wife of the applicant came in between, the applicant assaulted her with a stone which was kept in the house.

4. Learned counsel for the applicant submits that the applicant had no intention to kill his wife. He submits that initially the quarrel was with the father of the victim/wife and it is only when wife came in between, the applicant alleged to be annoyed and then assaulted his wife. He would further submit that the applicant has also sustained injury on his head which shows that he was assaulted by father of the victim-wife and applicant had to save himself and in that process, wife sustained injury. He would further submit that according to case of the prosecution, the father-in-law of the applicant did not sustain any injury. Therefore, at this stage when the complainant has not been examined till date, the applicant may be granted bail.
5. On the other hand, learned counsel for the State submits that the victim/wife has clearly stated in her statement that the applicant was quarreling with her father and when she tried to save her father and desisted the applicant from quarreling, the applicant picked up stone and gave blows on her head. He submits that there are two fractures in the skull which clearly shows that the applicant had intention to kill his wife in the incident. Therefore, only on the ground that the applicant has remained in jail for 1 year and 2 months, he is not entitled to bail.
6. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the statement of the victim-wife that the applicant was quarreling with her father and that when she came in between, he assaulted with stone and further taking into consideration that father-in-law did not sustain any injury whereas the applicant sustained injury on his head and looking to the fact that the applicant is in jail for 1 year and 2 months and till date the complainant has not been examined, I am inclined to allow the application.
7. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:

- (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen