

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2203 of 2018

Antaram S/o Late Thanwar Gond Aged About 50 Years R/o- Village Chamrutola,
Police Station Chilhati, Tahsil Ambagarh Chowki And District- Rajnandgaon,
Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Chilhati,
District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Aditya Bhardwaj, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

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

Order On Board

27/04/2018

Heard.

1. This is the second application for grant of bail to the applicant. His first application was dismissed as withdrawn on 11.12.2017.
2. The applicant has been arrested in connection with Crime No.50 of 2017 registered in Police Station- Chilhati, District -Rajnandgaon (C.G.) for the alleged commission of offence under Sections 307 read with Section 34 IPC.
3. Case of the prosecution, in brief, is that the applicant assaulted victim- Sunita on her head by a club in which she sustained injury.
4. Learned counsel for the applicant submits that circumstances in which the incident is alleged to have happened. it does not show that there was an intention to cause death. He would submit that the prosecution story is that there was some dispute going on amongst members of the larger family relating to property and when Sunita intervened, she is alleged to have

assaulted by wooden club. There is a single injury found and it is not stated to be any fracture. Therefore, in these circumstances, at this stage, when the applicant remained in jail for a long time, he may be released on bail.

5. On the other hand, learned counsel for the State opposed the bail application. He submits that looking to the allegation that the applicant gave a blow on the head of the victim by a club, even if there is no fracture injury, prima facie, intention to cause death could be gathered by the act of the applicant.
6. Having considered the totality of the circumstances, the period of detention and that there is no fracture injury, weapon used was only a club, the background of the incident, 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge