

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3440 of 2018**

Ramayan Das Vaishnav S/o Shri Kholbahra Das Vaishnav, aged about 32 years, R/o near Degunala, Pathripada, Chauki Rampur, Korba, District Korba, Chhattisgarh (Appellant's father name wrongly mentioned in order sheet)

---- Applicant**Versus**

State of Chhattisgarh through Police Chauki – Rampur, Thana - Kotwali, District - Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate
For Respondent/State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****26/06/2018**

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 28.01.2018 in connection with Crime No. 47/2018 registered at Police Station – Chauki – Rampur, Thana – Kotwali, District Korba (CG) for the offence punishable under Sections 307 & 452 of IPC.

2. The complainant in the instant case is wife of the applicant. The allegation against the present applicant as per the prosecution is that after consuming alcohol he assaulted the complainant with brick causing injury on her head.

3. Counsel for the applicant submits that firstly it is a dispute between husband and wife. The applicant had assaulted her under influence of alcohol and that he never had an intention of causing injury to the

complainant. He submits that the differences between husband and wife have patched up as is evident from the fact that the bail application is supported by an affidavit filed by the complainant. Even otherwise the injury sustained by the complainant is simple in nature. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that it is a case where the assault was made on the head with a brick. That there were all chances of the assault proving to be fatal if the applicant would have continued the assault some more time. Thus, prayed for rejection of the bail application.

5. Having heard the contentions put forth on either side and taking into consideration the relationship between applicant and complainant, the fact that the applicant has already remained in custody for a period of about 5 months and the nature of injury also not being that serious, 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**