

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7483 of 2018**

Daulal Dhiwar S/o Rama Dhiwar Aged About 65 Years R/o
 Village- Tekari, Police Station- Vidhansabha, Tahsil & District-
 Raipur, Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police of
 Police Station- Vidhansabha, Tahsil & District- Raipur,
 Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Smita Jha, Advocate
For the Respondent	:	Mr. D. R. Minj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****22.10.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 355/2017 registered at Police Station Vidhansabha, Distt. Raipur (C.G) for the offence punishable under Sections 294, 307, 302, 34 of IPC. of IPC.
2. As per the prosecution case, the accused and the complainant are neighbors and on 28.12.2017, a dispute took place over falling of dry leaves of drum-stick tree in the premises of the complainant, for which the quarrel took place and the quarrel further aggravated between the two families of accused applicant and deceased. While the members were quarreling the present applicant came with knife, assaulted Malti and thereafter assaulted her husband Shankarlal Nirmalkar by way of knife and as a result of knife

blows, Shankarlal succumbed to the injuries, thereby offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is 65 years old and infirm person and he is in jail since 30.12.2017 and there is no substantial progress in trial. She further submits that there was no intention to kill as it was a sudden eruption of quarrel between the parties, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of Malti one of the injured. Considering the same, I am not inclined to allow the bail application. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**