

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 596 of 2019**

Vinod Kumar S/o Late Shri Jhura Ram Aged About 35 Years R/o Village Keshavnagar (Mahadevpara), Police Station Vishrampur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Vishrampur, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 156 of 2018, registered at Police Station – Vishrampur, District – Surajpur, Chhattisgarh for the offences punishable under Section 302 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a person of unsound mind and he has no knowledge of the act committed by him, therefore, the act done by him is not an offence. It is further submitted that the applicant is mentally and physically disabled because of which, this Court had been

pleased to grant interim relief to the applicant. Hence, for these reasons, the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that it is a case of commission of heinous offence. Hence, for these reasons, he is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, this applicant assaulted deceased – Deepa who was his wife with a brick and caused her death and thereafter, he made an attempt to commit suicide. A report has been received from Station House Officer, Vishrampur in which it is said that the applicant is unable to move, speak and is a person of unsound mind. This statement has been made on the basis of the medical reports.

7. Considering the fact that the applicant appears to be a person suffering from mental unsoundness and it is the defence of the applicant that the incident has occurred during the period of mental unsoundness of the applicant, therefore, treating it as a special case, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like

sum to the satisfaction of the concerned Investigating Officer. He shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge