

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3079 of 2019**

- Komal Prasad S/o Jivan Lal Kewat Aged About 33 Years R/o Village - Parasi, Police Station Marwahi, District – Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rakesh Pandey, Advocate.
For Respondent/State	: Shri V.K. Agrawal, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/05/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 32/2018, registered at Police Station – Marwahi, District- Bilaspur, (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
2. First bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after two months vide order dated 14.12.2018 passed in MCRC No. 8744/2018.
3. As per the prosecution story, on 10.03.2018 at about 8:00 am present Applicant assaulted his wife Smt. Shraddha by means of axe on head due to that she sustained injury over skull. Matter was reported by Chiteshwar Prasad Kaiwart who is the brother of the injured. On the basis of the said, offence has been registered. Applicant has been taken into custody on 17.09.2018.
4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due

to some dispute with his wife. He further submits that on the basis of evidence available on record *prima facie*, no offence under Section 307 of IPC can be made out against the Applicant. Virtually, quarrel took place between Applicant and his wife and Applicant also sustained grievous injury due to which he underwent treatment and therefore, he was arrested after six months of the incident. Applicant is in custody since 17.09.2018 and trial is likely to take some time. Therefore, he may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the arguments advanced, and the fact that Applicant is in custody since 17.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge