

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3751 of 2019**

Nemai Mondal S/o Late Sachin Aged About 37 Years R/o Village P.V. No. 66, Police Station And Tehsil Pakhanjur, District Uttar Bastar Kanker Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Pakhanjur, District Uttar Bastar Kanker Chhattisgarh.

---- Respondent

For the Applicant : Shri Parag Kotecha, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.07.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.32 of 2019, registered at Police Station – Pakhanjur, District – Uttar Bastar, Kanker, Chhattisgarh for the offence punishable under Sections 498(A) and 324, 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 21.2.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. There is a possibility of compromise of the

applicant with the complainant. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has caused grievous injuries to the complainant by throwing hot oil over her face. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, complainant – Rita Mondal is wife of this applicant. They got married in the year 2010. About one year prior to lodging of FIR, the applicant and his mother both started torturing the complainant to seek partition in the property on her parental house because of which, she was beaten and injured on number of occasions. On 12.2.2019 at about 8:00 am, again the applicant engaged in a quarrel with the complainant and during this incident he threw the heat and boiling oil over the face of the complainant causing her grievous injury. Hence, this case.

6. On perusal of the case-diary, there appears to be no report that the burn injury caused to the complainant has resulted in permanent disfigurement. Further, it is a matrimonial case and there is a chance of settlement. Hence, for these reasons, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on 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 as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge