

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4025 of 2019**

Sukhdeo @ Pappu Sahu S/o Gokul Sahu Aged About 34 Years R/o Sarvamangla Para, Korba, P.S. Kotwali, Korba, Tahsil And District- Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Mirza Kaiser Baeg, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.07.2019**

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.234 of 2019, registered at Police Station – Kotwali, Korba, District – Korba, Chhattisgarh for the offence punishable under Sections 498A and 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 28.4.2019 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. The dispute between the applicant and his wife/ the complainant has been settled because of which, the wife of the applicant

herself has given an affidavit in support of this application. 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 this applicant caused 9 injuries to the complainant by using a knife. Hence, the applicant is not entitled for grant of regular bail.

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

5. According to the prosecution case, this applicant used to torture and treated with cruelty with the complainant/ his wife for fulfillment of demand of dowry. It is alleged that on the date of incident during heat of quarrel, the applicant assaulted the complainant with a knife causing various injuries.

6. Considered the material present in the case-diary. None of the injuries caused to the victim of this case are stab injury or fatal in nature. Taking into consideration the fact that the complainant herself is interested in release of this applicant on bail, 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