

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4081 of 2019**

Vyas Thakur S/o Shri Punaram Thakur Aged About 23 Years R/o Village Kodwabani, Police Station Lalpur, Tahsil And District Mungeli Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Mungeli District Mungeli Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2019**

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.182 of 2019, registered at Police Station – City Kotwali, Mungeli, District – Mungeli, Chhattisgarh for the offence punishable under Section 307 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.3.2019 and has been falsely implicated in this case. No case is made out for the offence under Section 307 of the Indian Penal Code. It is further stated that the case may be an offence under Section 326 of the IPC if the evidence of the prosecution is still believed as it is. The applicant has no criminal antecedents. Hence, 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 victim of this case has suffered 35% burn injuries as about 5 liters of hot oil was thrown on her body by the applicant which show the gravity of offence. 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, on the date of incident, the applicant purchased some snacks from victim – Vimla Bai Sahu and did not pay the price for the same and thereafter, a dispute arose between the applicant and the victim, then the applicant threw hot oil about 5 liters over the body of the victim because of which, she suffered 35% of burn injuries. Hence, this case.

6. As the case is now pending before the trial Court and there is no report that the injury caused to the victim was life threatening, 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 his 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