

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5408 of 2019

Yashwant Sahu S/o Dashrath Lal Sahu Aged About 36 Years R/o Village Gorkapar, P. S. Arjunda, District Balod Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P. S. Arjunda, District Balod Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vijay Kumar Sahu, Advocate
For Respondent/State	: Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/10/2019

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.97/2019, registered at Police Station – Arjunda, District – Balod (C.G.) for the offence punishable under Section 307 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 09.06.2019. Charge-sheet in this case been filed and this applicant has not committed any offence. The victim in this case is wife of this applicant, who had appeared before the trial Court to make submission of no objection, which was not considered by the said Court. Therefore, it is prayed that the applicant may be enlarged on

regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident this applicant got enraged with his wife/victim and then assaulted her with a spade 5-6 times on her head with intention to cause her death. Hence this case.
6. Considered on the submissions made and the contents of the case diary. Medical report shows four lacerated wound without description of any fatality of injuries and also for the reason that the victim of this case has no objection in grant of bail to the applicant, which finds mention in the rejection order, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge