

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.4074 of 2020**

- Vijay Bahadur Singh, S/o Bansh Dhari Singh, Aged About 23 Years By Caste Gond, R/o Village Manvari, Thana Kelhari, Tahsil Manendragarh, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

- The State Of Chhattisgarh, Through Police Station Kelhari, District - Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Ms. Bhavika Kotecha under instructions from Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Alok Bakshi, Additional AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/09/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.63/2019 registered at Police Station Kelhari, District Koriya for the offence punishable under Section 294, 506, 307 of IPC and Section 25 of Arms Act. The applicant was arrested on 29-09-2019.
2. Prosecution case is that the applicant got enraged on a small issue and picked up axe and assaulted his wife twice on her neck resulting in grievous injury. It is the case of the prosecution that the assaults were given by the applicant with an intention to kill his wife.
3. Learned counsel for the applicant submits that in the present case, assault was given all off a sudden by the applicant, because of quarrel between the husband and wife and there was no intention to cause death. It is submitted that wife of the applicant herself has stated before the Court below that she has no objection for grant of bail to the applicant. It is also submitted that the

applicant is in jail since 29-09-2019 and trial has not started as well due to pandemic situation, therefore, in these circumstances, the applicant may be granted bail at this stage.

4. On the other hand, learned counsel for the State opposes the bail application by submitting that the applicant has assaulted his own wife with a deadly weapon i.e. axe and number of injuries were given on her neck, out of which, one injury is grievous in nature and the statement of his own mother shows that if she would not have intercepted, the applicant could have killed his own wife.

5. Having considered the submission of learned counsel for the parties, gravity of allegation against the applicant, nature of weapon used and part of the body, where assault was given, I am not inclined to grant bail to the applicant, at this stage.

6. Accordingly, the bail application is rejected. However, if there is no progress in trial within three months, the applicant would be at liberty to revive his bail application.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge