NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4894 of 2020

- Manesh Kumar Sewta S/o Radhelal Sewta, aged about 28 years, R/o Village Thailitola, P.S. Ambagarh Chauki, District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- Police Station- Ambagarh Chauki, District Rajnandgaon (C.G.)

---- Respondent

For Applicant. : Mr. S.S. Baghel, Adv.
For Respondent/State : Ms. Sunita Jain, G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

03.09.2020

1. The applicant has filed this **first bail application** filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 239/2019 registered at Police Station Ambagarh Chauki, District Rajnandgaon (C.G.) for the offence punishable under Section 307 of the IPC.
2. As per the prosecution case, applicant had a quarrel with his wife due to that she consumed poison. After that the applicant decided to die with his whole family and at once assaulted himself as well as his children with the help of sickle due to which the children got injured. Based on that,

after investigation, offence has been registered against the applicant and he has been arrested.

3. The submission made by learned counsel for the applicant is that the applicant has been falsely implicated in the crime in question. He further submits that he has not taken such step intentionally, he was in a fit of anger because his wife has consumed poison and died over a trifle. He further contended that the applicant's wife has already died and he is the sole bread earner in his family, as the applicant is in jail since 08.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.

4. Per contra, State counsel strongly opposes the bail application and submits that the children of the applicant are 01 & 05 years of age and the injuries received by the children are grievous in nature. Even though, the applicant was emotional after death of his wife but looking to the age of the children and nature of injuries, the present applicant may not be granted bail.

5. I have heard learned counsel for the parties and perused the record.

6. Taking into consideration the submission of both the counsel, nature and gravity of the offence, facts and circumstances of the case, as applicant

is in jail since 08.12.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Vijay Sahu