

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6985 of 2020**

- Omprakash Joshi son of Shyamlal Joshi, aged about 35 years, resident of Village Aamner, Police Station-Abhanpur, District Raipur C.G.

-----Applicant**Versus**

- State of Chhattisgarh through Station House Officer, Police Station Abhanpur District Raipur, (C.G.)

---- Non-applicant

For Applicant	:	Mr. Raghvendra Pradhan, Advocate
For Non-applicant	:	Mr. Siddharth Dubey, Dy.Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**ORDER****10/12/2020**

1. Applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.259/2020 registered at Police Station Abhanpur, District Raipur (C.G.) for the offence punishable under Sections 294 & 307 of IPC.
2. Case of the prosecution is that Rameshwari who is wife of present applicant has informed her brother on phone call that her husband is regularly quarrelling with her, upon getting the said information, her brother Gyanchand along with his father Malpuri Tandon came to in-laws house of her daughter Rameshwari at Aamner. When they reached to her house they found the present applicant repairing his

motor cycle outside the house. Looking to Gyanchand along with his father applicant started abusing and thereafter given blow with an axe to Gyanchand, on account of which, he suffered injury over his head, thereafter, incident was reported and offence was registered.

3. Mr. Raghvendra Pradhan, learned counsel for the applicant submits that the incident took place due to family dispute in the heat of passion, injured was aggressor who started abusing the applicant, there was no intention of the applicant to cause any injury of the nature as suffered by Gyanchand or to commit any offence as alleged against him. He submits that the applicant is resident of village, rural area, complainant suffered only one injury as per the MLC report. Had the intention of the applicant to commit offence as alleged against him, there might be other injuries over the person of injured. There is no any other criminal antecedent against him, he is in jail since the date of his arrest.
4. On the other hand, Mr. Siddharth Dubey, learned counsel for the Non-applicant opposes the submissions made by the learned counsel for the applicant and submits that the applicant looking upon Gyanchand brother of his wife, given assault with an axe on his head which itself shows the intention of the applicant. The offence committed by him is serious offence.
5. I have heard learned counsel for the respective parties.
6. As per the statement of Gyanchand, Malpuri Tandon, when they reached house of applicant, he was found repairing his motor cycle, some hot talk took place between the parties on a family dispute ie.

Unhealthy relationship of applicant with his wife (sister of Gyanchand), as per allegation complainant suffered single blow.

7. Considering overall facts and circumstances of the case, nature of allegation, relationship between the applicant and complainant, the cause of dispute and further considering the pre-trial detention of the applicant, I am inclined to allow the bail application.
8. Accordingly, the bail application is allowed. It is directed that the applicant be released on regular bail, upon furnishing a bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge