

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1199 of 2021**

Umedlal Sumer S/o Ramsharan Sumer, Aged About 30 Years R/o Village - Silpahri, Police Station - Marwahi, District Gaurela - Pendra - Marwahi Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - Police Station Incharge, Police Station - Pendra, District Gaurela - Pendra - Marwahi Chhattisgarh.

---- Non-applicant

For Applicant : Shri Vaibhav A. Goverdhan, Advocate

For Non-applicant/State : Shri Rakesh Sahu, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****25.03.2021**

1. This is second application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 08.09.2020 in connection with Crime No.167 of 2020 registered at Police Station Pendra, District Gaurela-Pendra-Marwahi, Chhattisgarh for commission of offence punishable under Sections 294, 323, 324, 326, 506 & 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that, present applicant who is husband of complainant was suspecting her character. When complainant went to see of her parents, applicant caught hold of her and dragged her to house and thereafter assaulted by means of blade, due to which, she suffered injury over her nose.

3. Shri Vaibhav A. Goverdhan, learned counsel for the applicant submits that case is triable by the Magistrate. Out of 13 listed independent witnesses, only 6 witnesses have been examined. The injury caused is from the sharp edge of the door. He further submits that on last couple of hearing, prosecution witnesses did not turn up. He also submits that applicant is in jail since 08.09.2020 and therefore, applicant be enlarged on bail.
4. On the other hand, Shri Rakesh Sahu, learned State Counsel opposes the prayer for grant of bail and submits that as per material available on the case diary, applicant has committed grievous offence, hence, he is not entitled for grant of bail at this stage.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation levelled against the present applicant, dispute of applicant with his wife, that he is in jail since 08.09.2020 and case is triable by the Magistrate, I am inclined to release the applicant on regular bail.
7. Accordingly, second bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh