

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5886 of 2021

- Askumar Kashyap, S/o Nihora Kashyap, Aged About 27 Years, R/o Bhathalikala, Tahsil and District Mungeli, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh, Through - The Station House Officer, Police Station Jarhagaon, District- Mungeli, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Amit Kumar Sahu, Advocate

For Non-Applicant/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

06.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since 24.05.2021 in connection with Crime No. 96/2021, registered at Police Station- Jarhagaon, District- Mungeli (C.G.) for the offence punishable under Section 307 of IPC.
- 2) Case of the prosecution, in brief, is that the complainant who is the father of the applicant lodged report in the police station to the effect that the applicant having doubt on character of his wife namely Poonam, assaulted her with an iron agricultural tool (*Kudari*) on vital part head and also with intention to kill the complainant rushed towards him, the complainant screamed on which some family members intervened and save the complainant from him.

- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that due to some trivial issues dispute arose between the applicant and victim who are husband & wife. The victim was discharged from the hospital within short span of time and she has no objection for grant of bail of the applicant. The applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 24.05.2021, charge-sheet has already been filed and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.
- 4) On the other hand, learned counsel for the Non-Applicant/State vehemently opposes the bail application and submits that the applicant brutally assaulted the victim who is his wife with an iron weapon on her vital part head on account of doubt on her character.
- 5) Victim/wife of the applicant present in person before this Court and she raised no objection to releasing the applicant on regular bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made against the present applicant, due to matrimonial issues dispute arose between the applicant and the victim, the victim was discharged from the hospital within short span of time, the victim has appeared in person before this Court and she raised no objection to release of the applicant on regular bail, charge-sheet has already been filed, the detention period of the applicant, who is 27 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits

of the case, the application is allowed.

7) It is directed that in the event of the applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on following conditions :-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

(iv) he shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority,

(v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim