

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.8115 of 2021

- Palakdas Tandon, son of Tirith Ram Tandon, aged about 32 years, resident of Ghuksa, Police Station & Tahsil Kawardha, District Kabirdham (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Kunda, District Kabirdham (CG)

....Non-applicant

For Applicant	:	Mr. Basant Dewangan, Advocate
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

21.12.2021

1. This is first application on behalf of applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as applicant is in custody since 16.9.2021 in connection with Crime No.128/2021 registered at Police Station Kunda, District Kabirdham (CG) for commission of offence punishable under Sections 294, 324, 506, 326 IPC.
2. Case of the prosecution, in brief, is that applicant, who is son-in-law of injured and husband of complainant, came to house of complainant on 12.7.2021 at about 5:00 p.m. along with his friend in intoxicated condition, asked complainant Mathura Bai, daughter of injured, to accompany him to her matrimonial home, to which Mathura Bai denied. As a result, applicant started abusing her in filthy language and in night at about 11:00 p.m. he went away from house. On 13.7.2021 at about 4:30 p.m. applicant in drunken state again came to house of complainant, asked her to come to his house along with children, which Mathura Bai again refused. Applicant again started abusing complainant in filthy language and blamed that she is indulged in prostitution, whereupon mother of complainant i.e. injured, intervened and reacted with same words for his mother and sister to applicant and then applicant brought axe, which was kept in house of complainant, and assaulted injured due to which she suffered three injuries on

her person and became unconscious. She was immediately taken to hospital. Thereafter incident was reported to concerned police station based upon which aforementioned crime is registered and applicant was arrested on 16.9.2021.

3. Mr. Basant Dewangan, learned counsel for applicant would submit that on the date of incident, applicant was in anger on account of his wife not coming to his house along with children. At the time of incident, some quarrel took place and as per allegation, injured, who is mother-in-law of applicant, reacted with similar words for his mother and sister and abused applicant also which made him aggressive, who was under intoxication as appearing in FIR. Applicant has not gone to house of complainant armed with any weapon but as per allegation, he picked up axe lying on spot and assaulted injured. There is no other criminal antecedent against applicant. Applicant, who is in custody since 16.9.2021, may be enlarged on regular bail.
4. On the other hand, Mr. Sudheer Sahu, learned for the State opposes the submissions made by learned counsel for applicant and submits that three injuries i.e. one lacerated wound and two chop wounds, were caused to injured mother-in-law by applicant by means of axe, hence, he is not entitled to be released on regular bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration facts and circumstances of case, nature of allegations; manner in which incident took place; relationship of applicant with complainant and injured; pre-trial detention period of applicant i.e. since 16.9.2021, without commenting anything on merits of case, I am inclined to grant regular bail to applicant.
7. Accordingly, bail application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If 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

roshan/-