

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8114 of 2021

- Rashid Khan S/o Hakim Khan Aged About 28 Years R/o Ramnagar, Ward No. 8, Behind Sahu Kirana, Out Post- Chikhli, Tahsil / District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post - Chikhli, Police Station Kotwali, District Rajnandgaon, Chhattisgarh

---Respondent

For Applicant – Shri Samir Singh, Advocate.

For Respondent/State – Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/10/2021

Heard.

1. This is the first Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 26.06.2021 in connection with Crime No. 343/2021 registered at Police Station- Out post- Chikhli, Kotwali, Dist Rajnandgaon, C.G. for the offence punishable under Section 307 of IPC.
2. As per the prosecution case, the applicant while was quarreling and beating his wife, at that time she shouted for help one Mamta Ramteke wanted to help and at that time Jitendra Ramteke who is husband of Mamta Ramteke also joined to save wife of the

applicant and the applicant being agitated on that issue went inside the house and came out with an axe and gave two blow on the head of Jitendra Ramteke.

3. Learned counsel for the applicant submits that on the spur of the moment the incident occurred and there was no intention to kill and injury was simple in nature, therefore the present applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the statement of Mamta Ramteke and Jitendra Ramteke and further considering the background of the incident that the applicant went inside and came out with an axe, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge