

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8911 of 2020

- Dharmuram Korva S/o Chamra Ram Korva Aged About 40 Years
R/o Village Chuhipahadh, Police Station Kapu, Tahsil
Dharamjaigarh, Civil And Revenue District- Raigarh,
Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through Police Station Kapu, District-
Raigarh, Chhattisgarh. **---- Respondent**

For Applicant	: Shri Deepak Kumar Singh, Advocate
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy.A.G.
For Victim	: Shri Krishna Kumar Dewangan, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

19.01.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 11.06.2020 in connection with Crime No.33/2020, at Police Station- Kapu, District- Raigarh (C.G.) for the offence punishable under Section 307 of I.P.C.
2. The allegation against the applicant is that on 09.05.2020 at night about 11.00 p.m. the present applicant with intention to commit murder of his second wife namely Samri Korva assaulted her by edge of the axe (*tangi*) on her neck and shoulder.
3. Learned counsel for the applicant submits that the allegations against the applicant are false and fabricated. He submits that victim is second wife of the applicant and due to family dispute between victim and the applicant, he is falsely implicated in the case. It is further submitted that applicant is only bread earner member of the family and applicant has five children, that the applicant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail and further submits that the applicant has no criminal antecedents.
5. Learned counsel for the victim submits that she has raised no objection to the application filed by the applicant to release him on bail.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the material on record, nature of allegation and detention period of the applicant, the fact that applicant is only bread earner member of the family, the victim has no objection to grant of bail to the applicant, there is no likelihood of the applicant tampering with the evidence or absconding, no criminal antecedents of the applicant as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the application is allowed. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

(a) 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.

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

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

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

Sd/-

(Gautam Chourdiya)
Judge