

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8726 of 2021

Deepak Kumar Khande S/o R.B. Khande, Aged About 39 Years By Balai, R/o Ward No. 2, Shayamnagar, Nayapur, Antagarh, Thana And Tahsil Antagarh, District Uttar Bastar Kanker (Chhattisgarh)

---- Applicant

Versus

The State Of Chhattisgarh Through District Magistrate District Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

---- Respondent

For Applicant	:	Shri Parag Kotecha, Advocate
For Respondent – State	:	Shri Wasim Miyan, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.53/2021 registered at Police Station Antagarh, District – Uttar Bastar - Kanker, (CG) for the offence punishable under Sections 307, 341, 294 and 326 of the IPC.
2. As per the prosecution case, the applicant had assaulted his wife with the help of knife, due to which she sustained various injuries over her body.
3. Learned counsel for the applicant submits that the applicant is innocent and he is falsely implicated in the present case. The applicants' wife has no objection in granting bail to the applicant in support of her contention she has given an affidavit. He further submits that the applicant has not caused any injury to the victim, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering that the applicant is in jail since 27.07.2021 and the complaint was lodged by his wife/Laxmi and she herself has submitted an affidavit that she has no objection in granting bail to the applicant and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the 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/-

(Deepak Kumar Tiwari)
Judge