

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1 of 2021**

- Vindeshwar Rathiya S/o Dhansai Aged About 25 Years Caste Kanwar, R/o Village Vijay Nagar, Kapu, Police Station Kapu, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Office, Police Station Shyang, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant	:	Mr. Govind Ram Miri, Advocate.
For State	:	Ms. Ishwari Dhritlahre, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****5-2-2021**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 5-9-2020 in connection with Crime No. 18 of 2020 registered at Police Station Shyang, District Korba (CG) for the offence punishable under Sections 450 and 307 of IPC.
2. The case of the prosecution, in brief, is that on 29-7-2020 there was a family dispute between the applicant and the victim who is mother-in-law of the applicant as wife of the applicant was not ready to live with him and in-laws of the applicant were also not ready to send their daughter to him and due to this dispute the

applicant assaulted his mother-in-law by Tangia as a result of which she sustained injury, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, except present one, applicant has no other criminal antecedents, charge sheet has been filed, he is in jail since 5-9-2020 and conclusion of the trial is likely to take some time for its final disposal, therefore he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, she submits that except present one, applicant has no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perusal of the case diary reveals that as per MLC report, only one injury i.e., incised wound was found on left side of forehead of the victim in the size of 12 x 1cm caused by sharp object. The victim was discharged from hospital within four days.
7. Considering the facts and circumstances of the case, looking to the medical report of the victim, the fact that the victim remained in hospital only for four days, the entire evidence available on record, detention period of the applicant, charge sheet has been filed, there is no likelihood of the applicant tampering with evidence or absconding and the applicant has no other criminal

antecedent as admitted by both the parties and that conclusion of trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his 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 appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicant is being granted bail on the 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 not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

Raju