

(2018) 02 CHH CK 0191

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 153 Of 2018

Shatruhan Netam

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 9, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 307, 498
- Code Of Criminal Procedure, 1973 - Section 439

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Govind Ram Mirri, Basant Kaiwart, Arvind Dubey

Final Decision: Allowed

Judgement

Prashant Kumar Mishra, J

1. This is an 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.85/2017, registered at Police Station Police Chowki Hardi Bazar, PS Kusmunda, District Korba (CG) for the offence under Sections 307 & 498 of IPC.

2. At the time of delivery of baby girl, the complainant was paid Rs.1400/- by the Government. The applicant demanded Rs.500/- from his wife, the complainant, which was denied by her, therefore, the applicant threw the burning chimney over her person, for which, she suffered burn injuries up to 60%. Learned counsel for the applicant would submit that the applicant is in jail since 15.5.2017 i.e. for about 9 months. He would also submit

that at present, the complainant is residing in the house of the applicant, therefore, there are chances that dispute between the husband and wife may be settled subsequently.

3. Considering the entire facts situation of the case and looking to the length of pre-trial detention and for the reason that there is no allegation of commission of cruelty or causing injuries in connection with demand of dowry, this Court is inclined to release the applicant on regular bail.

4. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Certified copy as per rules.