

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 851 of 2016

- Rajjeet Singh Parihar S/o Ramraj Singh Parihar Aged About 37 Years Occupation - Cultivator, R/o Village - Patharra, Police Station - Pipariya, Tahsil - Kawardha, District - Kabirdham Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Kawardha, District - Kabirdham Chhattisgarh

---- **Respondent**

For Applicant	:	Mr. Pradeep Singh Rathore, Advocate
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate
For Objector	:	Mr. Vipin Singh, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-11-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 74f of 2016 registered at Police Station Kawardha, District Kabirdham (CG) for offence punishable under Sections 294 & 307 of the IPC.
2. As per case of the prosecution, a report was made by the complainant Pawan Bhardwaj that on 8-3-2016 at about 9.15 pm., when he along with Bhoj Baghel was standing near Lohar Road, at that time the applicant came there and assaulted the victim Bhoj Baghel by way of knife over a previous enmity and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that Raj Parihar is a resident of Kawardha against whom a report was made and not against the present applicant Rajjeet Singh

Paraihar, who is a resident of Ptharra which is 35 kilometers away from Kawardha. Since there was no assault made by Rajjeet Singh Parihar, an agreement was entered before the Notary. It is further submitted that no injury was inflicted to victim by the present applicant and as such compromise has been affected. He would further submit that considering the facts and circumstances, the applicant may be extended the benefit of Section 438 of the Cr.P.C.

4. Learned State counsel on verification submits that the present applicant has not assaulted the victim Bhoj Baghel and no injury was inflicted to him by the present applicant.
5. Learned counsel for the victim also appears and submits that the present applicant has not assaulted the victim Bhoh Baghel.
6. I have heard learned counsel for the parties, perused the case diary and other documents.
7. It is for the State to catch hold of the real culprit. Even the victim himself appeared and denied the allegations and identity of the assailant.
8. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the submissions of the State counsel as well as counsel for the objector, I am inclined to extend benefit of anticipatory bail to the applicant.
9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the

satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required.
- (ii) that the applicant 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/her from disclosing such facts to the Court or to any Police Officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju