

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 549 of 2017

- Akshay @ Kanha Dubey S/o Shri Umakant Dubey, Aged About 25 Years, R/o Rohnipuram, Gol Chowk, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rajim, District Gariyaband, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Praveen Das, Advocate
For Non-applicant/State	: Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/11/2017

1. Apprehending arrest in connection with Crime No.192/2016, registered at Police Station- Rajim, District – Gariyaband (C.G.), for offence punishable under Section 307, 294, 324, 326, 147, 148, 149 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Injured Manoj Sahu whose brother Purushottam was employee in the office of the applicant came in front of the office asking the persons present to relieve his brother on that date because it was a festival day and he was in drunken condition, because of which there had been exchange of hot words and some scuffle took place between the applicant and the injured person. There is no allegation against the applicant about

causing injuries to the injured person. Similarly placed co-accused persons in this case namely Anil Tiwari and Umakant Dubey have been benefited with grant of anticipatory bail by the coordinate Bench of this Court in MCRCA No.1360/2016 and MCRCA No.1359/2016. Hence, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and submission made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are these that on the date of incident injured Manoj Sahu came in front of the office of the applicant asking for his brother to be relieved early for festival purposes, on which the applicant and co-accused persons present exchanged hot words with the injured person and thereafter co-accused Abhijit Tiwari assaulted the injured person with a knife causing him 5 injuries on hip, thigh and wrist. On information given by Purushottam Sahu, the FIR was lodged, the case was investigated and charge sheet has been filed.

6. Considering the submissions and contents of the case diary and looking to this fact that similarly placed co-accused persons have been benefited with grant of anticipatory bail and the case of the applicant is also similar, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application (MCRCA No.549/2017) is hereby allowed. 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 executing a personal bond in sum of Rs.25,000/- with one 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) that 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge