

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 637 of 2017**

Pramod Chaurasiya, S/o. Shri Mahavir Prasad Chaurasiya, Aged About 45 Years, R/o. Krishna Nagar, Pahadi Chowk, Gudhiyari, P.S. Gudhiyari, Raipur, District Raipur, Chhattisgarh, Alternate Address: Shri Trading Company, Behind 9 Block, In Front Of Dhan Lakshmi Nagar, Bhanpuri P.S. Khamtarai, Raipur, Tehsil & District Raipur, Chhattisgarh

----Applicant**Versus**

1. State Of Chhattisgarh, Through P.S. Khamtarai, District Raipur, Chhattisgarh
2. Subhash Chandra Sharma, S/o. Late C.M. Sharma, Aged About 63 Years, R/o. Dhanlakshmi Nagar, Bhanpuri, P.S. Khamtarai, Raipur, Tahsil & District Raipur, Chhattisgarh

---- Respondents

For Applicant	: Mr. Manish Sharma, Advocate
For Respondent No.1/State	: Mr. Sumit Jhanwar, Panel Lawyer
For Respondent No.2	: None present though served.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/11/2017**

1. Apprehending arrest in connection with Complaint Case No.495/2016, pending before the Court of Judicial Magistrate First Class, Raipur, District – Raipur (C.G.), for offence punishable under Section 323, 294, 326, 506, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that no case is made out against the applicant in the complaint case filed against him. Before taking cognizance in the private complaint filed by the respondent No.2, a police report was called, the copy of the police report is attached with the application, which shows that no

occurrence of any incident as alleged in the complaint was found in the enquiry made by the police. The offence under Section 326 of Indian Penal Code is not made out in this case. It is further submitted that as the offence under Section 326 of Indian Penal Code is also registered, which is non-bailable, hence, appearance before the Court would result in arrest and detention of the applicant, it is prayed that the applicant be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. The respondent No.2, complainant in this case though served is not appeared and no representation has been made on his behalf.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. As per the copy of the complaint, it is alleged by the complainant that on 23.04.2013 at about 10.30 am, when complainant objected to the construction being done by the applicant and other accused persons, at that time the applicant used abusive words and threatened the applicant and thereafter, applicant along with other co-accused assaulted the complainant causing injuries. Trial Court has taken cognizance and issued summons for appearance before the Court.
7. Copy of the police report submitted discloses the alleged grievous injuries caused to the complainant in his dental region which was found to be on account of some disease and the enquiry report about the incident is negative. Considering the submission and the

documents placed on record, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is 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 on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge