

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1360 of 2016**

- Anil Tiwari S/o Late Ghanshyam Prasad Tiwari Aged About 64 Years
R/o Azad Chowk, Police Station Azad Chowk, Raipur, District Raipur,
Chhattisgarh.

---- Applicant**Versus**

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

---- Non-applicant

For Applicant:	Mr. V.R. Tiwari, Advocate
For State	Mr. U.K.S. Chandel, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****03.05.2017**

1. The present application u/s 438 of the Cr.P.C. for grant of anticipatory bail has been filed by the Applicant apprehending his arrest in connection with Crime No. 192/2016 registered at Police Station Rajim District - Gariyaband whereby he has been charged for the offence punishable under Sections 307, 324, 326, 147, 148, 149 and 294 of the Indian Penal Code.
2. The allegation as per the prosecution case against the present Applicant is that the Applicant along with the other co-accused is said to have quarreled with one Manoj Sahu and others. In the process Manoj Sahu got injured and subsequently an F.I.R. was lodged by the complainant Purushottam Sahu, brother of Manoj Sahu.
3. Learned Counsel for the Applicant submits that on the evening of

23.08.2016, it is alleged that the injured Manoj Sahu in inebriated condition reached the place of incident i.e. the office of Pravesh Enterprises which was run by one Abhijit Tiwari, the present Applicants' son. There some quarrel took place and it is alleged that Abhijit picked up knife and assaulted the injured Manoj Sahu resulting in 5 incised wounds. The allegations against the present Applicant are that he has also participated in the fight.

4. On perusal of the record we find that the only allegation against the present Applicant is that he was also quarreling along with the co-accused persons with the injured Manoj Sahu and his friends. There is no personal allegation of any overt act except the omnibus allegation of assault being leveled against the present Applicant. The present Applicant is an old man aged around 64-65 years whereas the injured person and his friends were young boys around 25-35 years. There do not seem to be any direct allegation of overt act by the complainant and the injured against the present Applicant. In addition what is also reflected is that the co-accused Sachin Singh has already been granted regular bail in MCRC No. 6521/2016 vide order dated 25.10.2016.
5. In view of the same, this Court is of the opinion that a strong case for grant of anticipatory bail has been made out in favour of the Applicant.
6. Accordingly, the present MCRCA is allowed.
7. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with two sureties for the like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and

conditions:-

(i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

(ii) that the accused/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/them from disclosing such facts to the Court or to any police officer;

(iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the accused/applicant shall appear before the trial court on each and every date given to him/her/them by the said court till disposal of the trial.

Sd/-

(P. Sam Koshy)
JUDGE