

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1359 of 2016**

- Umakant Dubey S/o Late Jaylal Dubey Aged About 52 Years R/o Korba, Police Station- Korba, Tahsil & District- Korba, 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 present Applicant is an employee of the South Eastern Coalfields Limited posted at Gevra Project, Korba. The allegation as per the prosecution case is that the present 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 the present Applicant is an employee of the S.E.C.L., Gevra Project, Korba. He had gone to Rajim to visit his relatives. On the evening of 23.08.2016, it is alleged that the injured Manoj Sahu in inebriated condition reached to place of incident i.e. the office of Pravesh Enterprises which was run by one Abhijit Tiwari. There some quarrel took place and it is alleged that Abhijit picked up a 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 a middle aged man around 50 to 55 years whereas the injured person and his friends were young boys around 25-35 years. There do not seem to be any direct allegation or overt act by the complainant and the injured against the present Applicant. In the event of he being arrested, there is possibility of his employment getting jeopardized that may have long bearing effect on his service. 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