NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 364 of 2018

Ajay Sharma S/o Sitaram Sharma Aged About 30 Years R/o Subham Ward, Bhatapara, Police Station Bhatapara City, District Baloda Bazar, Bhatapara Chhattisgarh.

-----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bhatapara City, District Baloda Bazar, Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Shri Vikas Dubey, Advocate.
For Respondent : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/05/2018

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.13 of 2018 registered at Police Station Bhatapara City, Distt. Baloda Bazar-Bhatapara, for the offence punishable under Section 307/34 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant in connivance with other co-accused persons is said to have assaulted the complainant Pritam on 11.01.2018 on account of which he received grievous injuries.
3. According to the counsel for the applicant, the applicant has falsely been implicated in the case. According to him, it is a case where the name of present applicant was not reflected in the FIR. The only material available against him is the memorandum statement of co-accused Subhash Gujratiya which is not an admissible piece of evidence. Except for memorandum statement of the co-accused there is no material collected by the prosecution with which the present applicant could have been implicated in the case.
4. Counsel for the State however opposes the bail application and submits

that there is allegation against the present applicant of his being involved in the assault made to complainant.

5. Having heard learned counsel for the parties and taking into consideration the total facts and circumstances of the case particularly taking into consideration the document including bail application wherein all the main accused persons have already been released on bail by the trial court itself, moreover it appears that the matter has been amicably settled between the complainant and the main accused and also considering the fact that except for memorandum statement there is no material available against the applicant, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

    1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
    2. 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 from disclosing such facts to the Court or to any police officer;
    3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
    4. 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.

6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder