

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1015 of 2017

- Akash Gupta S/o Anup Kumar Gupta, Aged About 28 Years, R/o Near Samlai Mandir Champa District Janjgir Chamapa., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana Champa District Janjgir Champa Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Bharat and Shri Vinod Kumar Sharma,
Advocates.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

06-02-2018

1. Apprehending arrest in connection with Crime No.307/2016, registered at Police Station – Champa, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 147, 323, 394 and 201 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant was the person who was assaulted by the complainant and others, because of which, he was the first to lodge one FIR on 30-11-2016, subsequent to that as a counter blast the complainant has lodged the FIR on the same day making false allegation against this applicant. It is further submitted that the witnesses of this case have supported this applicant by stating that he was the person who was assaulted by the complainant and others. Hence, he is entitled for grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted that the applicant has criminal history having five other criminal cases pending against him for prosecution of

offences under various provision of the IPC. There is categorical statement against the applicant in the statement of the complainant and FIR and the statements under Section 161 of the Cr.P.C. Hence, he is not entitled for grant of anticipatory bail.

4. In reply counsel for the applicant submits that out of 5 criminal cases pending against this applicant, 4 cases have been disposed off after compromise with the complainant. Hence, only one previous case is remained pending against him.

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

6. On the date of incident, the applicant with co-accused persons assaulted complainant Faizal Khan with a water tank on his head and then he was further assaulted him with hands, fists and kicks causing various injuries on his body. Co-accused Balveer snatched a gold chain worth Rs.50,000/- from the neck of the complainant. After lodging of the FIR and completion of the investigation, charge sheet has been filed.

7. Considered on the submissions made and contents of the case diary.

8. After specific perusal of the statement of the independent witnesses on the spot, it appears that the applicant has a case to defend. Hence, for this reason, I am of this view that the applicant deserves to be benefited with grant of anticipatory bail in the present matter.

9. 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 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge