

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.619 of 2018**

1. Anil Kumar Gupta, aged about 37 years, S/o Late Krishna Prasad Gupta, R/o Village Raghunathpur, Thana Lundra, Surguja, District Surguja, Chhattisgarh
2. Deepak Kumar Gupta, aged about 32 years, S/o Late Krishna Prasad Gupta, R/o Village Raghunathpur, Thana Lundra, Surguja, District Surguja, Chhattisgarh
3. Chotan Kumar Gupta, aged about 29 years, S/o Late Krishna Prasad Gupta, R/o Village Rathunathpur, Thana Lundra, Surguja, District Surguja, Chhattisgarh

---- Applicants

versus

State of Chhattisgarh through the Station House Officer, Police Station Lundra, District Surguja, Chhattisgarh

---- Respondent

For Applicants	:	Shri Mateen Siddiqui, Advocate
For Respondent/State	:	Shri U.K.S. Chandel, Panel Lawyer
For Objector Akash alias Arvind Jaiswal	:	Shri Rakesh Pandey, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****5.7.2018**

1. The Applicants are apprehending their arrest in connection with Crime No.26 of 2018 registered at Police Station Lundra, District Surguja for the offence punishable under Sections 294, 506, 323/34 and 307 of the Indian Penal Code.
2. Facts of the case, in brief, are that on 2.3.2018 (on the day of Holi festival) at about 5:30 p.m., a dispute took place between Complainant Ravindra Jaiswal and Applicant No.1, Anil Kumar Gupta. Ravindra Jaiswal told about the incident to his relatives Akash Jaiswal and Mukund Jaiswal. Both Akash Jaiswal and Mukund Jaiswal went to the house of the Applicants and asked them why did they abuse Complainant Ravindra Jaiswal. The

Applicants, abusing Akash Jaiswal and Mukund Jaiswal, beat them with bat and rod. On the basis of the report made by the Complainant, offence under Sections 294, 506, 323/34 of the Indian Penal Code is registered against the Applicants. Later on, offence punishable under Section 307 of the Indian Penal Code is also added/registered against them.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. The entire story is concocted and baseless. Virtually, Akash Jaiswal and Mukund Jaiswal had gone to the house of the Applicants and used filthy language against them and they had also assaulted the Applicants. Applicant No.1, Anil Kumar Gupta has also lodged a First Information Report on 2.3.2018 itself. On the basis of the said FIR, offence under Sections 294, 506, 323/34 of the Indian Penal Code has been registered against the Complainant party. He further submits that initially only the offence under Sections 294, 506 and 323/34 of the Indian Penal Code was registered against the Applicants, but later on, under the influence of the Complainant party, the offence under Section 307 of the Indian Penal Code has also been added. *Prima facie*, no offence is made out under Section 307 of the Indian Penal Code. Rest of the offences are bailable. Therefore, he prays that the Applicants may be granted anticipatory bail.
4. Learned Counsel appearing for the State and the Objector oppose the bail application and submit that finger of Akash alias Arvind Jaiswal had been fractured in the incident. The assault was made with bat and rod. Injuries were caused on the face and head also. Therefore, the offence under Section 307 of the Indian Penal

Code is also made out against the Applicants. They further submit that the Applicants do not deserve anticipatory bail.

5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the totality of the facts and circumstances of the case, particularly, the fact that only one injury suffered by Akash Jaiswal was grievous in nature and that too the said injury was suffered by him on his finger and all the other injuries caused to other injured persons were simple in nature, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned Trial Court. They shall also abide by all the following terms and conditions:
 - (i) They 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 from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) They shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE