

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 620 of 2018**

Akram Ali, S/o. Shabbir Ali, Aged About 18 Years, Student, R/o. Opposite Noorani Chouck Police Choucki, Raja Talab, P. S. Moudhapara, District Raipur, Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through : P. S. Mana Camp, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. J.K. Gupta, Advocate
For Respondent/State	: Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/06/2018**

1. Apprehending arrest in connection with Crime No.45/2018, registered at Police Station – Mana Camp, District – Raipur (C.G.) for offence punishable under Section 307, 294 of the Indian Penal Code, 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 has been falsely implicated in this case. The applicant is student of age 18 years and he is not involved in commission of the alleged crime. His name has not appeared in the FIR lodged in this case and only because of one of the co-accused person has mentioned his name in the memorandum statement, he has been

made accused in this case, which is not a legally admissible evidence. Therefore, it is prayed that the applicant may kindly be benefited with Section 438 of Cr.P.C.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that on the date of incident, when the complainant had been to restaurant for having food, he had some dispute with co-accused persons, because of which, it is alleged that co-accused persons and their associates abused and then assaulted the complainant with bottle, knife, hands and fists causing fatal injuries to him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary and further taking into account the fact that the name of this applicant has appeared only in the memorandum statement given by the co-accused person, although the investigation is yet to be completed but looking to the tender age of the applicant and facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram