

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4121 of 2018**

Atul Shukla S/o Shri Sudama Prasad Shukla Aged About 47 Years
Occupation Class 1 Contractor, Green Park Colony Jarhabhata Police
Station Civil Line, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through In Charge Officer , Police Station Civil Line
District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri P.K.C. Tiwari, Senior Advocate with Shri Anand Shukla, Advocate.
For the Respondent/State	:	Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.06.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 343 of 2018, registered at Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 294, 323, 327, 365 and 506 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.5.2018 and has been falsely implicated in this case. Complainant – Manoj Bitalkar is a contractor and because of rivalry in business he has lodged totally false FIR against the applicant and that the applicant has no

role in the commission of offence. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the direct allegation in the FIR against the applicant that the complainant was assaulted with clubs in presence of the applicant and the applicant himself has participated in the offence. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the FIR lodged by the complainant – Manoj Bitalkar that on the date of incident, he was forcefully taken by Uma Tawadkar, Sonu Thakur and Ankur Singh in Tata Safari vehicle to a place where he was assaulted with clubs, then he was dragged to the place where this applicant was sitting. The applicant thrashed him with shoes and thereafter the complainant was taken to the other place where he was forced to sign some cheques and some papers. Subsequently, the complainant was released from their confinement.

6. Considering the material present in the case-diary, and the fact that the involvement of this applicant in the commission of offence appears to be limited, hence for the present, it appears that the main allegation is against the other co-accused persons, therefore, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge