

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 708 of 2018**

Abhijeet Tiwari, S/o. Shri Anil Tiwari, Aged About 28 Years, R/o. Azad Chowk, Raipur, District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Rajim, District - Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.C. Verma, Advocate
For Respondent/State	: Mr. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/09/2018**

1. Apprehending arrest in connection with Crime No.192/2016, registered at Police Station – Rajim, District – Gariyaband (C.G.) for offence punishable under Section 307, 294, 324, 326, 147, 148, 149, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail. The first bail application of the applicant is dismissed as withdrawn vide order dated 29.11.2017 in M.Cr.C.(A) No.619/2017.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The charge-sheet in this case has been filed and the case is pending before the Court of Additional Sessions Judge, Gariyaband. Another development that has taken place in this case is that the complainant in this case namely Purushottam Sahu and injured Manoj Kumar Sahu have compromised their dispute with the applicant and other co-accused regarding which, an application

has been filed before the concerned police station. It is submitted that some of the co-accused persons have been enlarged on anticipatory bail by this Court as well as by the Coordinate Bench of this Court. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

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 Manoj Sahu came to the office of this applicant asking his brother, who was an employee of that office, to be relieved for festival purpose. A dispute arose in which, it is alleged that this applicant assaulted the injured with knife causing him five injuries. The complainant – Purushottam has lodged FIR in this case.
6. Considered the submissions made and the contents of the case diary. Considering on all the material present in the case diary, the injuries caused to the injured – complainant are placed on the lower side of the body and none of them have been inflicted in vital part of the body and also considering the report received from the police station Rajim, in the office of Advocate General, Bilaspur in which it has been affirmed that complainant and the injured persons have filed an application and affidavit before the police station praying to withdraw their FIR. Hence, after due consideration and the development that has taken place, 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