

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 821 of 2018**

Sombir S/o Shri Sunil Aged About 21 Years R/o Village Chhachadehi, P.S.
Dadi, District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Of Police Station Dadi,
District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shailendra Dubey, Advocate.
For the Respondent/State : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 39 of 2018, registered at Police Station – Dadi, District – Bemetara, Chhattisgarh for the offences punishable under Sections 294, 506B and 307/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. According to the material present in the charge-sheet, no case is made out against the applicant. This applicant was not the person who had assaulted the injured – Balraj Singh causing him head injury. Hence, it is prayed that the applicant be benefited with grant of

anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been in company of the main accused persons in which Balraj Singh was fatally injured. Hence, he is not entitled for grant of anticipatory bail.

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

6. One incident occurred on 24.5.2018 in which the injured – Balraj Singh and his wife assaulted and injured the mother of the applicant regarding which, FIR was lodged as Crime No. 38 of 2018 registered at police station – Dadi for the offences punishable under Sections 294, 323 and 506/ 34. It is alleged that in retaliation, this applicant alongwith accused persons – Sunil Jat and Anil Jat assaulted and thrashed the injured Balraj Singh. According to the evidence present in the case-diary, the grievous injury found on the skull of injured Balraj Singh was caused by Anil Jat and due to the assault made by the applicant one lacerated wound was caused to the injured – Balraj Singh.

7. After due consideration on all the material present in the case-diary, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge