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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1072 of 2018**

Saddam Makwana S/o Mohd. Hussain Makwana Aged About 28 Years R/o- Khaparganj, Police Station- City Kotwali, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- City Kotwali, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Ms. Madhunisha Singh, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.09.2018**

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. 225 of 2018, registered at Police Station – City Kotwali, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Section 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. There is no evidence to show that the applicant had common intention with the co-accused person who assaulted the complainant all of sudden with a cricket bat. 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.

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

6. On the date of incident, complainant – Akbar Ali asked the applicant to stop playing cricket in the street because of which, an argument took place which converted into a quarrel and then all of sudden co-accused Sohail assaulted the complainant with a cricket bat on the back side of the head and on left side of the elbow. Hence, this case.

7. As it appears that the applicant was engaged in the argument then the co-accused has made the assault and the applicant was not involved in the marpeet, hence, 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