

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1122 of 2018**

Shatrughan Khairwar S/o Shri Budhram Khairwar Aged About 35 Years R/o-
Village Parsapani Tahsil And District- Mahasamund, Chhattisgarh., District :
Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- P.S.- Mahasamund, District- Mahasamund,
Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Devershi Thakur, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

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. 244 of 2018, registered at Police Station – Mahasamund, District – Mahasamund, Chhattisgarh for the offences punishable under Sections 294, 323, 325 and 506 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Non-bailable offences which he has been committed earlier only for the offences under Sections 294, 323 and 506 of

the IPC but later on, without there being any basis offence under Section 326 of the IPC has been added. 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. It is alleged that on the date of incident, the applicant assaulted injured – Ashwini Dhruv with a spade on his head, which has been reported to be grievous in nature by the examining doctor. Hence, this case.

7. On perusing the medical report, it appears that neither there is any bony injury caused to the injured nor there is any internal haemorrhage in the CT scan. Hence, for these reasons, 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