

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1138 of 2018

- Dilip Banjare S/o Late Krishna Banjare Aged About 28 Years R/o- Mini Basti Jarhabhata, Police Station Civil Line, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Devesh Chandra Verma, Advocate.
For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.622/2017 registered at Police Station-Civil Lines, District – Bilaspur (C.G.), for the offence punishable under Sections 294, 506, 323, 327, 325 & 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Except the offence under Section 327 of IPC, remaining offences are bailable in nature. Even, Section 327 of IPC has been added subsequently on the basis of the improvements made by witnesses. The FIR lodged in this case against

the applicant and the co-accused persons is infact a counter-blast to FIR lodged by co-accused Shashank Trivedi against Anamika Mishra and others and in that case Anamika Mishra had stabbed co-accused Shashank Trivedi. Complainant in this case is relative of said Anamika Mishra, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. It is alleged that this applicant along with co-accused persons abused, threatened and assaulted complainant Animesh Shukla on the date of incident on account of some previous enmity and subsequently it has been added that the applicant and co-accused have demanded money from the complainant for purchasing liquor and on his refusal, the complainant assaulted and injured the victim and as such, Section 327 of IPC was added.
6. Looking to the improvement made in the investigation in this case, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge