

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1255 of 2018**

Abdul Razzak S/o Mushtaq Aged About 18 Years R/o- Khaparganj, Police Station City Kotwali, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Ms. Madhunisha Singh, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.10.2018**

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 under Sections 294, 323, 506 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. The applicant was personally present on the spot for the reason that he was playing the game of cricket with the other

persons present there. He has not participated in the quarrel or assault that has been made by main accused - Sohail with the complainant in this case. Hence, no case is made out against the applicant and 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. According to the case against the applicant and the co-accused persons, on the date of incident a quarrel took place between complainant – Akbar Ali and co-accused – Saddam Makwana. As the play of cricket was going on, which was interrupted because of parking of scooter by the complainant in the street, and during that quarrel, it is alleged that 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. The allegation is that the applicant was present on the spot as one of the cricket players. Hence, after due consideration, I am of the view that in this case the applicant deserves to be granted 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