

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1268 of 2018

- Anand Chouhan @ Montu S/o Chhat Ram Chouhan Aged About 21 Years R/o S.S.E.B. Colony, Korba, Tahsil And District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through District- Magistrate, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Akhtar Hussain, Advocate.
For Respondent/State : Mr. N.K. Mehta, Panel Lawyer.

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

26/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.177/2018 registered at Police Out Post-Rampur, Police Station- Kotwali, District – Korba(C.G.), for the offence punishable under Sections 341, 294, 307, 109 & 190 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that there is no allegation against this applicant regarding commission of non-bailable offence in the FIR. The applicant is not alleged to be the main assailant. The other accused persons in this case being juvenile have been enlarged on bail by the Juvenile Court, hence, this applicant may also be granted bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is allegation against this applicant as being one of the assailant in this case, hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged it is alleged, that on the date of incident this applicant along with other accused Aadi Singh, Shubham Shukla and Vipin Choudhary obstructed the victim Vijay Jasuja then abused and assaulted him causing injuries to him. Hence, this case.
6. The only allegation against this applicant is this, that he assaulted the victim of his left hand. Hence, after due consideration on all the material present in the case diary, I am of this opinion that applicant should be granted 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

Nisha