

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 826 of 2017

- Dau Singh Parihar Late Sangam Singh, Aged About 50 Years R/o Near Village Puran Tahsil And District Mungeli, District Mungeli, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. K.A. Ansari, Sr. Advocate along with Mr. Vipin Singh, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

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

25/01/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.321/2017 registered at Police Station-City Kotwali, District – Mungeli(C.G.), for the offence punishable under Sections 147, 149,341, 307, 294, 506, 323 & 325 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case because of previous enmity with the complainant party. Applicant is a Manager of Cooperative Society, Panderbhattha, District-Mungeli and he was present on duty on the date of incident on 18.6.2017, on which the election of society was being held. After completion of investigation, charge-sheet has

been filed and material in the charge-sheet does not show that applicant was directly engaged in causing injuries to any of the injured persons. It is further submitted that applicant is a servant of Cooperative Society and, if, he is arrested in that case that will affect his service carrier. All the co-accused persons have been granted regular bail by the co-ordinate Bench of this Court. Hence, it is prayed that he may also be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions. It is submitted that co-accused Nirmal Singh Thakur had filed MCRCA No.807/2017 which was decided on 28.11.2017 and rejected by the co-ordinate Bench of this Court. Applicant has a similar case. It is further submitted that applicant had been absconding and the charge-sheet has been filed in his absconsion. Hence, for reason alone, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Complainant Amit Sharma has lodged FIR in PS-Mungeli on 28.6.2017 that co-accused Alok Singh and others had a grievance that their candidates had lost election on the date of incident because of which the complainant and others, who were proceeding there residents they were stopped on the road by the co-accused Alok Singh and others in which the applicants name as mentioned is one of the accused on the spot on the subsequent of that all of them assaulted the injured Amit Sharma. Prakash, Sudhir Sharma, Manish Singh, Jaiprakash Singh with rods and clubs with intension to cause death with threatening to cause death. Grievous injuries were caused to Sudhir Sharma, who has suffered head injury as well. Hence, this case.
6. Considered on the submissions and contents of the case diary,

according to the medical report injured Sudhir Sharma had suffered a fracture alena bone of left hand and another injured Amit Sharma has suffered fracture on finger bone. According to the medical reports, none of the injured has suffered internal head injury. Although, the head injury found on head. Further, there is no report that any of the injuries caused to any of the injured person is found to be fatal. Hence, the aiding of Section 307 of IPC is a question which will be answered in the trial.

7. Considered all these submissions and also this fact that the charge-sheet has already been filed and there is no requirement of any custodial interrogation of this applicant for the purpose of any investigation pending. For these reasons, it appears that applicant should be benefited with grant of 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 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