

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1328 of 2018**

Mohammad Mustkim Shuhel S/o Late Mohammad Shahid Aged About 19 Years R/o Mohalla Khaparganj, Thana City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Aarakshi Kendra City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abdul Wahab Khan, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.11.2018**

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, District Bilaspur, Chhattisgarh for the offence punishable under Sections 294, 323, 506B 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. No case is made out against the applicant for the offence under Section 307 of the IPC. Similarly placed co-accused –

Saddam Makwana has been granted anticipatory bail by this Court in M.Cr.C.(A) No.1072 of 2018, vide order dated 18.09.2018. 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. The case against the applicant is that the applicant and the co-accused were playing the game of cricket in the street, which was stopped by complainant – Akbar Ali and then the arguments took place in which, the applicant assaulted the complainant with a cricket bat with intention to cause his death.

7. On perusal of the injury report of the complainant, it appears that he has suffered only one injury on his elbow which cannot be regarded as fatal injury. Hence, after due consideration of all the material present in the case-diary, I feel inclined to grant anticipatory bail to the applicant.

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