

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1485 of 2018

- Vishal Sahu @ Kanha S/o Ganesh Ram Sahu aged about 20 Years
R/o Anna Chouck, Pt. Deendayal Upadhyay Nagar, Naya Talab, P.S.
Gudhiyari, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Civil Lines, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate.
For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

03/12/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.589/2018 registered at Police Station-Civil Lines, District – Raipur(C.G.), for the offence punishable under Sections 294, 323, 506/34 & 452 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 main offence against the applicant is bailable in nature whereas the offence under Section 452 of IPC is non-bailable. The false allegation has been made by the complainant that the injured persons were assaulted

inside the house. The incident of Marpeet had taken place outside the house of the complainant. The co-accused in this case have been granted bail by the trial Court, hence, it is prayed that he may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the allegation in the statement of the victim and the witnesses the applicant does not deserve to be granted anticipatory bail, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date of incident this applicant along with co-accused person, armed with weapons like sword and clubs, forcibly gained entry into the house of complainant Ajmat, and then threatened and assaulted her. The injury caused to the injured persons appears to be simple in nature. Hence, this case.
6. Considered on the material present in the case diary, it appears that the general allegation regarding assault is made against all the accused persons and apart from the, offence under Section 452 of IPC registered against the applicant, which is of the main offence, rest of the offences are bailable in nature. For these reasons, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants 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