

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 373 of 2019

- Dipanshu Chouhan @ Banti S/o Shri Amit Chouhan, Aged About 19 Years, Occupation Student, R/o Jairamwalji Colony, Gujrati Para, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Mr. Prabhat Kumar Saxena, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-03-2019

1. Apprehending arrest in connection with Crime No.457/2017, registered at Police Station –City Kotwali Raigarh, District Raigarh, Chhattisgarh for offence punishable under Section 307/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant has not participated in commission of the offence. The applicant is a student and aged only 19 years and in case he is arrested, his future prospects will be jeopardized. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the complainant has clearly named this applicant as being one of the assailants, therefore, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the FIR, on the date and time of the incident the applicant and the co-accused persons demanded money from complainant Atal @ Anubhav Mishra. When the complainant refused he was taken to another place where

he was assaulted with a knife by co-accused Solanki and with hands and fists by another co-accused. The allegation against this applicant is this, that he assaulted the complainant with utensils, thus, causing injuries to him. Hence, this case.

6. After considering on the entire material present in the case diary and facts that this applicant was not armed with any deadly weapon and he is not the main accused, further, considering his tender age, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge