

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 406 of 2019

- Pradeep Singh S/o Shri Bajrang Singh, Aged About 22 Years, R/o In Front Of Electricity Office Tifra, P. S. Sirgitti, District-Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P. S. Civil Line, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Manish Sharma, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

01/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.31/2019 registered at Police Station-Civil Lines, District-Bilaspur (C.G.), for the offence punishable under Sections 147, 148, 149, 323 & 307 of Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Victim of this case namely Raja @ Hemant Mishra is acquainted with this applicant even then FIR has been lodged against unknown person. On the basis of information given by victim, one Kamal Kant Pandey has lodged FIR against

unknown person, which appears to be an improbable story. On the other hand, the applicant has a good case in his favour as he was not present on the spot at the time of incident. No offence is made out under Section 307 of IPC, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence available against this applicant, no case is made out for grant of anticipatory bail. However, he fairly submits that in the call details collected by the police the location of applicant, on the date and time of incident, was shown at some other place.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, some unknown persons came in a motorcycle and one Scorpio vehicle and assaulted Raja @ Hemant Mishra with rods & sword. In the statement recorded later on, it is stated that it is this applicant who assaulted the victim with sword. Hence, this case.
6. Perusal of case diary revealed that the victim has only suffered simple lacerated wounds and no injury was caused by any sharp edged weapon. Apart from this, it is also reflected from the case diary that call details of the mobile of applicant was also obtained in which his location at the relevant point of time was shown at some other place. In these circumstances, I feel inclined to grant anticipatory bail to the applicant.
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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha