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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 613 of 2019**

Surendra Patel @ Chhotku S/o Devmurat Aged About 30 Years R/o Village Kamardiha (K), P.S. Raghunathnagar, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Raghunathnagar, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.K. Yadav, Advocate.
For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.05.2019**

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. 97 of 2018, registered at Police Station – Raghunathnagar, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 294, 506 and 307 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 under Section 307 of the IPC. At the most, it could be the offence under Section 324 of the IPC, which

is a bailable offence. 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. It is submitted that the applicant had assaulted the complainant with sharp-edged axe and injured him. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on account of dispute regarding watering the fields, this applicant assaulted the complainant with an axe causing injuries of one incised wound on his head and one injury on his left thigh, which was caused by some hard and blunt object.

7. There is no report of any fatal injury caused to the complainant in the medical examination, therefore, I am of the considered view that the present is a fit case where the 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 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. He 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 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