

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 972 of 2019**

1. Kalesh Chandravanshi S/o Manohar Chandravanshi Aged About 42 Years R/o Village Kusumghata, Out Post- Pondi, Police Station- Bodla, Tahsil Bodla, District- Kabirdham, Chhattisgarh.
2. Tirath Verma S/o Shivnath Verma Aged About 38 Years R/o Village Kusumghata, Out Post- Pondi, Police Station- Bodla, Tahsil- Bodla, District- Kabirdham, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through District- Magistrate Kabirdham, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	: Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**02/08/2019**

1. The Applicants are apprehending their arrest in connection with Crime No. 96/2019 registered at Police Station Bodla, Out Post Pondi, District Kabirdham, (C.G.). for the offence punishable under Sections 294, 323, 506, 307/34 of IPC.
2. As per the prosecution story, allegation against present Applicants is that on the date of incident i.e. 24.05.2019, after the pronouncement of result of election, both Applicants abused the Complainant Sandeep Verma. It is further alleged that at that time Applicant No. 01 namely Kalesh Chandravanshi with intent to commit murder of Sandeep Verma, assaulted him on his head by a club and Applicant No. 02 namely Tirath Verma assaulted one Mohan Verma by a wooden plank on his leg. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the Applicants submits that the

Applicants are innocent and have been falsely implicated in the present case due to some previous political rivalry. It is further submitted that the injury caused to the Complainant Sandeep Verma is simple in nature. The Doctor, who performed the medical examination, has also not opined that injury caused to the Complainant is dangerous for his life. Only one blow has been caused to him by club. Thus, *prima facie*, no offence under Section 307 of IPC can be made out against the present Applicants. Thus, it is prayed that, present Applicants may be extended the benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application and submits that according to the material contained in the case diary, *prima facie*, the case alleged against the present Applicants are made out. Therefore, they do not deserve to be granted anticipatory bail.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that only one blow has been caused to the Complainant and the injury sustained is simple in nature, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They 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 fact to the Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge