

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1291 of 2019

- Subhash Singh, S/o Bharat Singh, Aged About 30 Years, R/o Village - Navagarh, Police Station & Tahsil- Nawagarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., P.S. Masturi, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent	:	Mr. Neeraj Pradhan, Panel Lawyer.
For Victim	:	Mr. Vaibhav Goverdhan, Advocate.

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

19/09/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.73/2019 registered at Police Station- Masturi, District – Bilaspur(C.G.), for the offence punishable under Sections 294, 506B, 324/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant and the victim have compromised, therefore, the complainant is present before this Court and he has also filed an affidavit making statement of no objection in grant of bail, hence, it is prayed that applicant may be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Dheerendra Kumar Ratnakar is present in person along with his counsel and he has made statement, that he has no objection in grant of anticipatory bail to the applicant on the basis of the compromise that has taken place.
5. Heard both the parties and perused the case diary.
6. According to FIR lodged by the complainant on the date of incident this applicant along with his companions abused, threatened and assaulted him with a club causing injuries to him. After medical examination, the police has registered the offence under Section 294, 506B and 324/34 of IPC. The offence under Section 324 of IPC is not bailable.
7. Considering that the parties have compromised and the complainant is not interested to prosecute the matter, therefore, I am of this view that this is a fit case where the applicant should be enlarged on 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 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

Nisha