

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1334 of 2019**

- Kadar Beg @ Babbu S/o Mehmood Beg Aged About 50 Years R/o Near Seerat Ground, Santoshi Nagar, Raipur, District - Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Tikrapara, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Shobhit Mishra, Advocate.

For Respondent/State : Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****24/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 249/2018 registered at Police Station Tikrapara, District – Raipur, (C.G.) for the offence punishable under Sections 294, 506, 323, 325, 326, 34 of I.P.C.
2. As per the prosecution story, on 23.06.2018 Complainant Bhola Deep lodged a report alleging therein that on 22.06.2018 at around 8:45 PM present Applicant alongwith his son Rahman Khan came to his house and called his father Arun Deep for having liquor with them. When Complainant's father Arun deep did not return for a long time, then he started searching his father. When he reached at the spot, he saw Rahman Khan abusing his father and assaulted him with sharp object '*chapad*' due to which Arun Deep sustained grievous injuries on his right jaw. It is alleged that present Applicant also assaulted Arun Deep with hand and fist. On the basis of the said report, offence has been

registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that main accused person is Rahman Khan who assaulted Arun Deep. It is further submitted that present Applicant committed mar-pit with Arun Deep with hand and fists only and he had not used any weapon. Therefore, *prima facie*, no offence under Section 326/34 of I.P.C. can be made out against the present Applicant. Looking to the above, Applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
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, considering the facts and circumstances of the case and further considering the fact that injured Arun Deep was assaulted by co-accused Rahman Khan and present Applicant has only used his hand and fists to commit mar-pit, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on 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. He shall also abide by all the following terms and conditions :
 - (i) He 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) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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

Prakash