

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1577 of 2019

- Rupesh @ Nikku Thakur S/o Home Singh Aged About 19 Years R/o Purani Basti Kharsiya Thana And Tehsil Kharsiya Distt Raigarh Chhattisgarh, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Kharsia Dist Raigarh Chhattisgarh Taluka Kharsia Dist Raigarh Chhattisgarh

---- Respondent

For Applicant	: Mr. Manish Nigam, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.
For Objector	: Mr. Ajay Chandra, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 343/2019, registered at Police Station Kharsia, Distt. Raigarh (C.G.) for the offence punishable under Sections 294, 323, 506, 147, 148, 427 of the IPC and Section 307 of the IPC has been added during police investigation.
2. As per prosecution story, on 15.08.2019, the applicant along with other co-accused persons were abused and beaten the complainant and others as well as also extended life threat. On the basis of report made by complainant initially offence under Sections 294, 323, 506, 147, 148 & 427 of the IPC has been registered. Later on, during course of investigation Section 307 of the IPC further added.
3. Learned counsel appearing on behalf of the applicant submits that

the applicant is innocent and has been falsely implicated in the present case. He further submits that except Section 307 of the IPC, all offence are bailable in nature. Prima Facie no case under Section 307 of the IPC can be made out against the applicant because all of sudden the quarrel had taken place, there was no previous enmity between the parties. Injured who sustained injuries that were simple in nature. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application and submits that one of the injured namely Tejkumar Gabel has sustained injury on his head which was grievous in nature, therefore, the applicant may not be granted benefit of anticipatory bail.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that initially Section 307 of the IPC has not been registered. The Injured who sustained injuries that were simple in nature. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge