

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1560 of 2019

- Moti Yadav S/o Satyanarayan Yadav Aged About 35 Years R/o Village Poksari, Police Station Batouli, District Sarguja Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer Police Station Batauli, District Sarguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. AK Prasad, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy.G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/12/2019

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. 73/2019, registered at Police Station Batauli, Distt. Surguja (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506 B, 323 & 307 of the IPC.
2. As per prosecution story, on 16.08.2019, when complainant Bhagirathi was called by the forest officers to resolve a dispute regarding forest land near the house of the applicant, the applicant and other co-accused persons have assaulted him by means of axe, stick and club due to which the complainant sustained injuries on his head. On the basis of said background, offence has been registered.
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 the complainant sustained only one injury which was simple in nature. *Prima Facie* no case under Section 307 of the IPC can be made out against the applicant. The applicant was only present on

the spot at the time of incident occurred, neither any act has been done by him nor he assaulted the complainant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
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 there is no specific evidence available on record against the applicant regarding he assaulted the complainant. 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