

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1696 of 2019**

Ahibaran S/o. Jagan Ram Yadav Aged About 34 Years Occupation Service,
R/o Village Bishunpur, Ps Udaypur, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Chowki Incharge
Kedma, Ps Udaypur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Prafull Bharat and Shri Jitendra Shrivastava, Advocates.
For the Respondent/State	:	Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is a repeat bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 49 of 2019, registered at Police Station – Udaypur, District – Surguja, Chhattisgarh for the offences punishable under Sections 294, 323, 506 and 307, 34 of the Indian Penal Code. The earlier bail application was dismissed as withdrawn on 4.10.2019 in M.Cr.C.(A) No. 1413 of 2019 with liberty to file a duly constituted application.

3. It is submitted by counsel for the applicant that the applicant is a member of SSB (Security Force) and he is posted in Jammu & Kashmir. He

had been on leave and on the date of incident, when he was going to board the train for returning to his duty when this incident occurred. The applicant has not participated in the incident in any manner and he has been falsely implicated in this case. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is direct evidence against the applicant regarding his participation in the commission of offences. Hence, for these reasons, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to FIR lodged, on the date of incident, the co-accused persons and this applicant abused, threatened and then assaulted victim - Rambhog Yadav with hands, fists, clubs and stones because of which, he suffered grievous injuries on his head. Hence, for these reasons, the offences were registered against the applicant.

7. Considering the submissions and the contents of the case-diary and also particularly, the applicant is a member of security force, I am of the view that the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application of the applicant 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 them 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge