

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1738 of 2019**

- Atul Shukla S/o Sudama Prasad Shukla Aged About 52 Years R/o Green Park, Jarhabhata, P.S. Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through In-Charge Police Station Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anand Shukla, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/12/2019**

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. 394/2019 registered at Police Station Civil Line, Bilaspur, District – Bilaspur, (C.G.). for the offence punishable under Sections 307, 341 and 34 of I.P.C.
2. As per the prosecution story, on 18.06.2019 around 8:00 PM, when complainant P.K. Panchayati was going for morning walk in his cycle, allegedly, at that point of time three unknown persons riding on motorcycle obstruct the complainant thrice and threatened him not to spare and also assaulted him with wooden plank on head and face, due to that complainant sustained injuries on his nose. Thereafter,

matter was reported by the complainant and on the basis of the said, offence has been registered. During course of investigation, it was found that present applicant has engaged the co-accused person to kill the complainant.

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 F.I.R. has been lodged against three unknown persons and name of the applicant is not mentioned in the F.I.R. Applicant is implicated in the case only on the basis of the statement of the co-accused which is not a legal evidence. *Prima facie*, on the basis of material available on record, it is not established that applicant has engaged the co-accused person to kill the complainant. Looking to the injuries sustained by the complainant, no case under Section 307 of I.P.C. can be made out against the applicant. Therefore, it is prayed that applicant may be granted 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, evidence collected by the prosecution and particularly considering the fact that F.I.R. has been lodged against three unknown persons and applicant is implicated in the present case only on the basis of statement of co-

accused person, 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