

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 15 of 2020

- Dilip Yadav S/o Krupasindhu Yadav Aged About 33 Years Occupation Service Working As Shiksha Karmi Grade - III, R/o Village Sutri, Caste- Mahkul, P.S. Bagicha, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Susheel Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

31/01/2020

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. 130/2019, registered at Police Station Bagicha, Distt. Jashpur (C.G.) for the offence punishable under Section 307 of the IPC.
2. As per prosecution story, complainant Maniratna Shinghdev lodged a report alleging therein that on 29.09.2019 at about 1 PM when he went to Bagicha from his home by his motorcycle on the way at about 1:30 PM, the applicant followed him by white colour Bolero vehicle and near Salkhadand road, the applicant dashed him from backside due to that he fell down on the road and received injuries and thereafter the applicant again tried to crush him, but somehow he saved himself. Thus, the applicant tried to commit murder of the complainant. On the basis of said report, offence has been registered.
3. Learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that prima facie no case can be made out against the

applicant. Earlier also the complainant made various complaints against the applicant due to some previous enmity and this time also he did the same thing. The Counsel further submits that neither the applicant have a Bolero vehicle nor he knows how to drive four wheelers vehicle. All the eye-witnesses of the case have stated that some unknown person had dashed the complainant from his backside only one time which shows that the complainant has falsely implicating the applicant. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he 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 both 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 statements of the eye-witnesses. Without further commenting on other merits of the case, I am inclined to 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 himself 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