

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 576 of 2020**

1. Vinod Gavel S/o Bihari Lal Gavel, Aged About 27 Years R/o Village Mukta, Police Station And Tahsil Malkharauda, District Janjgir Champa, Chhattisgarh.
2. Bihari Lal Gavel S/o Late Ghasiya Ram Gavel, Aged About 48 Years R/o Village Mukta, Police Station And Tahsil Malkharauda, District Janjgir Champa, Chhattisgarh.

**---- Applicants**

**Versus**

State Of Chhattisgarh Through District Magistrate, Janjgir District Janjgir Champa, Chhattisgarh

**---- Respondent**

**AND**

**MCRCA No. 751 of 2020**

Pramod Kumar S/o Bihari Lal Gabel Aged About 23 Years R/o Village Mukta Tehsil And Police Station Malkharoda District Janjgir Champa Chhattisgarh.

**--- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer Malkharoda District Janjgir Champa Chhattisgarh.

**---- Respondent**

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| For Applicants (In MCRCA No. 576/2020) | :Mr. Amit Sharma, Advocate.     |
| For Applicant (In MCRCA No. 751/2010)  | :Mr. Amit Sharma, Advocate.     |
| For Objector                           | :Mr. Ishwar Jaiswal, Advocate.  |
| For Respondent/State                   | : Ms. Hamida Siddiqui, Dy. A.G. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**13/08/2020**

1. After arguing at length, learned Counsel for the applicants submits that he does not want to press the instant application with regard to Applicant No.

2 Bihari Lal (in MCRCA No. 576/2020).

2. In view of the above submission, the instant application is dismissed as not pressed with regard to Applicant No. 2 Bihari Lal (in MCRCA No. 576/2020)
3. Since, both the bail applications arise out of same crime number, therefore, they are being decided by this common order.
4. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 17/2020, registered at Police Station Malkharauda, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 294, 506, 323, 34 & 307 of the IPC.
5. As per prosecution story, on 03.02.2020 at about 6 PM, complainant Shyam Kumar was in his house at that time one Vijendra Gavel came there and told him that applicant Vinod Gavel has assaulted him near school. Allegedly, applicants Vinod Gavel, Bihari Lal Gavel and Pramod Kumar came there and applicant Bihari Lal Gavel assaulted Shyam Kumar by axe due to which, Shyam Kumar sustained injuries on back side of his back and other parts on his body. On the basis of above, report has been lodged by one Rajendra Gavel and thereafter offence has been registered against the applicants.
6. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present cases. He further submits that there is no direct evidence available on record against applicants Vinod Gavel and Pramod Kumar, from the contents of FIR, it is established that only Bihari Lal Gavel has assaulted the complainant. The Counsel lastly submits that both the parties have settled their matter and the complainant does not want to take any action against the applicants. Hence, it is prayed that applicants Vinod Gavel and Pramod Kumar may be granted benefit of anticipatory bail.
7. Per contra, learned counsel appearing on behalf of State opposes the bail applications.

8. Learned Counsel for the objector supported the case of the applicants and stated that he has no objection if the bail may be granted to applicants Vinod Gavel and Pramod Kumar.
9. I have heard learned Counsel for the parties.
10. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and particularly considering the fact that only applicant Bihari Lal Gavel has assaulted the complainant and both the parties have settled their matter. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
11. Accordingly, the anticipatory bail applications are allowed with regard to applicants Vinod Gavel and Pramod Kumar.
12. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
  - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
  - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
  - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

**Sd/-**  
**(Arvind Singh Chandel)**  
**Judge**