

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 600 of 2020

Khalid Memon S/o Mohammad Ibrahim Memon Aged About 34 Years R/o Ward No. 7, Sadar Bazar, Champa Police-Station Champa, District- Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Collector/ District Magistrate, Janjgir, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	: Mr. Sumit Singh Rathore, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/07/2020

1. The matter is heard through Video Conferencing.
2. 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. 428/2019, registered at Police Station: Champa, District: Janjgir-Champa (C.G.) for the offence punishable under Section 294, 506, 323, 295-A & 34 of IPC and Section 25 of Arms Act.
3. According to the case of the prosecution, complainant namely Deepak Gupta, made a written report against the Applicant and his father, alleging therein that on 21.12.2019, at polling booth No.10, both the Applicant and his father namely Ibrahim Memon assaulted the complainant with an iron sword and also abused him in the name of his religion. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case due to political rivalry. He submits that referring to the order passed by this Court in WPCR No.119/2020 dated 20.05.2020 shows that the offence under Section 295-A of IPC has been already quashed by this Court and apart from Section 25 of the Arms Act all the other offences of IPC are bailable in nature. He also submits that the said iron sword was seized from the father of the Applicant, therefore, it is prayed that the

Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties, particularly considering that the FIR is for the offence under Section 295-A, which has already been quashed by this Court and also considering that the sword has been seized from the father of the present Applicant, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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. 25,000/- 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