

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 678 of 2020

- Samir Singh Chouhan S/o Surendra Singh Chouhan Aged About 22 Years R/o Rajkishore Nagar, Police Station Sarkanda, Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Torwa, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Harshwardhan Parganiha, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/07/2020

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.59/2020 registered at Police Station Torwa, District Bilaspur, (C.G.) for the offence punishable under Sections 294, 506, 323, 147, 148, 327, 34 of Indian Penal Code.
2. According to case of the prosecution, on 11.2.2020 present applicant and other co-accused persons demanded money for consuming liquor from one Anchal Pandey and for this reason, they abused him, threatened him and assaulted him due to which he sustained injuries on his body parts. The matter was reported by one Mehul Singh, one

friend of Anchal Pandey, on the basis of which offence was registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. Main allegation is against one Bala Singh who demanded money and assaulted the victim. It is further submitted that incident occurred on 11.2.2020 and MLC of the victim was conducted on 20.2.2020 i.e. after a gap of 8-9 days of the alleged incident. It is further submitted that at present, victim and applicant have settled their matter out of Court and victim has now no grievance with 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.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, particularly considering the fact that main allegation is against co-accused Bala Singh, both parties have settled their matter and victim/complainant does not want to take any action against applicant, 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**