

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 636 of 2020

- Sachidanand Gupta S/o Late Nathuni Gupta Aged About 71 Years R/o Village Semali P.S. Balrampur, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Balrampur District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri A.N. Pandey, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 48/2020 registered at Police Station Balrampur, District – Balrampur-Ramanujganj, (C.G.) for the offence punishable under Sections 341, 147, 149, 307 & 323 of the Indian Penal Code.
3. In this case there are total five accused persons. As per the case of the prosecution, on 20.03.2020, daughter of the complainant left from her house without any information. On 22.03.2020 complainant went to village Pindra alongwith his brother Surendra for searching his daughter. When complainant received the information that his

daughter was coming with one Imran @ Istafar, he called Imran but he fled away from village Pindra. It is alleged that thereafter, present applicant and other co-accused persons came there and assaulted the complainant, his brother Surendra and one Parmanand with hand, fists and cricket bat due to which Surendra and Parmanand sustained injuries. Matter was reported by one Ashok Singh and on the basis of the said, offence has been registered.

4. 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 though a dispute took place between complainant and other villagers but at that time applicant was not present there. Also, there is no direct evidence against applicant. None of the witnesses have specifically stated that present applicant has assaulted any of the victims with the help of hand, fists or cricket bat. Therefore, *prima facie*, offence under Section 307 of the I.P.C. is not made out against present applicant. It is further submitted that present applicant is a senior citizen aged about 71 years and a retired teacher. Also, no custodial interrogation is required in this case. Looking to the above, it is prayed that, applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. 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 applicant has not assaulted any of the victims with the help of cricket bat, further considering the fact that applicant is an old person aged about 71 years, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.

9. 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/her 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