

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 762 of 2020

Bhikham Sahu S/o Lalaram Sahu Aged About 33 Years (Wrongly Mention In Order Sheet) Resident Of Village Dindori (Chhatan) Tahsil Lormi Thana Lalpur District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Out Post Belgahna Police Station Kota, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajit Singh, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/08/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this second 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. 79/2020, registered at Out Post-Belgahna, Police Station- Kota, Distt. Bilaspur (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 326, 427 & 506 of the IPC.
3. First bail to the applicant was dismissed as withdrawn with liberty to file afresh bail application vide order dated 09.06.2020 passed in MCRCA No. 615/2020.
4. In this case there are total eight accused persons. As per prosecution story on 01.03.2020, the complainant Laxman Rajput made a report against the applicants and other co-accused persons alleging therein that on 01.03.2020 itself at about 2:30 PM, the applicant and other co-accused persons used filthy language and assaulted him and his family members namely Koduram Sahu, Durgaprasad Sahu, Savitri Sahu and Sukhdev Sahu due to that complainant Laxman Rajput sustained grievous injury and others were also sustained injuries. On the basis of said background,

offence has been registered.

5. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some previous dispute with the complainant party. He further submits that only complainant Laxman Rajput has sustained grievous injury and according to the contents of FIR, injury was caused by co-accused Ramprasad. All other injured persons were sustained simple injuries, therefore, prima facie no offence under Section 326 of the IPC can be made out against the applicant. The Counsel further submits that except Section 326 of the IPC, all other offences are bailable in nature. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for both the parties.
8. 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 fact that injury sustained by Laxman Rajput was caused by co-accused Ramprasad and other injured persons were sustained simple injuries. 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.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 accused/applicant shall make 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.
- V. In the future, if the applicant will do the same nature of offence, this order shall automatically stands canceled without further reference to this Court.

Sd/-

(Arvind Singh Chandel)
Judge