

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 793 of 2020

1. Smt. Nisha Agrawal W/o Shri Pramod Agrawal, Aged About 51 Years R/o Ward No. 22, Mohalla Aamakherwa, Manendragarh, Police Station And Tehsil - Manendragarh, District - Koriya, Chhattisgarh.
2. Shashank Agrawal, S/o Shri Pramod Agrawal Aged About 18 Years R/o Ward No. 22, Mohalla Aamakherwa, Manendragarh, Police Station And Tehsil - Manendragarh, District – Koriya, Chhattisgarh.
3. Pramod Agrawal S/o Late Ishwar Prasad Agrawal Aged About 55 Years R/o Ward No. 22, Mohalla Aamakherwa, Manendragarh, Police Station And Tehsil - Manendragarh, District - Koriya, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through Police Station Incharge - Police Station - Manendragarh, District – Koriya, Chhattisgarh.

---- Respondent

For Applicants : Shri Ankit Singhal, Advocate.

For Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

31/08/2020

1. Heard through video conferencing.
2. The applicants have preferred the first bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 152/2020 registered at Police Station Manendragarh, District – Koriya, (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506, 307, 201, 212 of the I.P.C.
3. In this case there are total 8 accused persons. As per the case of the

prosecution, on 4.5.2020 at about 12:00 noon, complainant Ramashankar Gupta went to Muktidham, Manendragarh where applicant No. 3 Pramod was raising illegal construction on the Muktidham land. Allegedly, when complainant tried to click photo from his mobile, one lady came there and threatened him. It is further alleged that when complainant was going in his motorcycle, present applicants and other co-accused persons stopped him near quarter of Chowkidar and they all assaulted him due to which complainant sustained injuries on his parietal region and in other parts of the body. Matter was reported by the complainant and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some previous enmity with the complainant. *Prima facie*, no offence under Section 307 of the I.P.C. is made out against applicants. It is further submitted that one injury has been sustained by the complainant on his parietal region which is of simple nature and two other injuries on other parts of the body. It is further submitted that virtually at the time of incident complainant caught hold the hands of one Savitri, wife of one co-accused person and tried to outrage her modesty. The said matter was also reported by that lady due to that in counter-blast, a false and fabricated report has been lodged by the complainant. It is further submitted that other 5 co-accused persons have already been arrested and they have also been granted regular bail by this Court. Since no offence under Section 307 of the I.P.C. is made out and other offence are also bailable, it is

prayed that applicants 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 further considering the fact that complainant sustained three injuries on his body parts out of which one injury is in the parietal region which is of simple nature, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :
 - (i) They 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 them from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) They 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**

Prakash