

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 899 of 2020**

Mohammad Shehnawaz, S/o Mohammad Yunus, aged about 21 years, R/o. Ashok market, Nayapara, Raipur, Tehsil and District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Police Station Azad Chowk, District Raipur (C.G.)

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate
For Respondent : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

18/09/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 21/2020 registered at police station – Azad Chowk, District Raipur (C.G.) for the offence punishable under Sections 294, 232, 307 and 506 read with 34 of the IPC.
3. According to the case of the prosecution, on 30/01/2020 at about 23:00 O'clock near Masjid due to some previous dispute, co-accused Hafiz stabbed a knife to Syed Dastgir, due to which he got an injury in his hip. At that time, one person namely Abdul Gunny came to intervene, then he also sustained injuries in his fingers by the knife of co-accused Hafiz. The matter was reported by the Complainant and

on that basis, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that though Syed Dastgir sustained injuries in his hips and the injury is of grievous nature, the injury caused to him by co-accused Hafiz not by the applicant. There is no evidence against the applicant that he had assaulted Syed Dastgir. Even Abdul Gunny sustained the injury while snatching the knife from co-accused Hafiz, therefore, offence under Section 307 of the IPC is not made out against the applicant. He further submits that before this incident, the applicant was assaulted by the complainant and Abdul Gunny, and a separate report in this regard has been lodged before the report of the Complainant. Considering the above, he prays to extend the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and the fact that the main allegation is against co-accused Hafiz and before the said incident, the applicant was assaulted and he had lodged a report against the Complainant, without further commenting on other merit of the case, I am inclined to extend the benefit of 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 bond in the sum of Rs.10,000/- 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 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge