

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1028 of 2020

- Bhupendra Pal S/o Chottelal Pal Aged About 30 Years R/o H. No. 2/165, Near Goal Chowk Kabir Nagar Tehsil And District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The S H O Police Station - Kabir Nagar, District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Shri Vivek Sharma, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15/09/2020

1. The matter is heard through video conferencing.
2. The Applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 73/2020 registered at Police Station Kabir Nagar, District – Raipur, (C.G.) for the offence punishable under Sections 307, 294, 323, 506/34 of Indian Penal Code.
3. According to the case of the prosecution, father of the present applicant had paid some advance amount to the complainant for purchase of cattle food. It is alleged that complainant had failed to supply cattle food to him, therefore, he demanded for return of his money and during that altercation, allegedly, father of the present

applicant and his son assaulted the complainant due to which complainant sustained injuries on his head and other parts of the body. Matter was reported by the complainant on the date of incident itself. 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 virtually on the date of incident when father of the applicant demanded his money back from the complainant, then complainant and his other employees abused him (father of the applicant) and applicant due to which they sustained grievous injuries on their body parts. Firstly, father of the applicant made the report against complainant and his employees and on the basis of the said, offence under Section 307 of IPC has been registered against complainant party. Thereafter, in counter-blast, a false and fabricated report was lodged by the complainant. It is further submitted that if the entire case is taken as it is, *prima facie*, no case under Section 307 of IPC can be made out against applicant. Complainant sustained only one injury on his skull, which is of simple nature. Therefore, the maximum offence of the alleged act committed by the applicant falls within the ambit of Section 323 of IPC. Thus, 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.

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 co-accused Chhotelal Pal has already been granted anticipatory bail by this Court vide order dated 13.7.2020 passed in MCRCA No. 679/2020, 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