

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1024 of 2020**

Tuleshwar Prasad Premi S/o Sonkali Premi, aged about 31 years, Occupation Assistant Teacher, Nagri Nikaye Posted at Govt. Primary School, Bhatgaon(s) R/o Badhabhata, Police Station Bhatgaon Tehsil- Bilaigarh District Baloda Bazar- Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station- Bhatgaon, District Baloda-Bazar- Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate
For Respondent : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/09/2020

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. 128/2020 registered at police station – Bhatgaon, Distt. Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Sections 294, 323 and 326/34 of the IPC.
3. According to the case of the prosecution, on 08/06/2020 at about 5:00 pm, a quarrel took place between both the parties. It is alleged that the applicant along with co-accused persons assaulted Omprakash (henceforth 'the Injured') by a spade, due to which he sustained injuries on various parts of body. The matter was reported by Mamta

Premi, sister-in-law of the Injured. On the basis of report, initially offence under Section 294 and 323/34 of the IPC has been registered. During course of investigation, after obtaining medical report, offence under Section 326 of the IPC was also added.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually, the complainant's party firstly assaulted the applicant and other co-accused persons. The aggressor was the complainant's party. Even, first report was also lodged by the applicant against the complainant's party and on that basis offence has been registered against the complainant's party. He further submits that though the injury sustained by the injured is on posterior region which is of grievous nature, according to the statement of the Injured that injury was not caused by the applicant. According to the statement of Injured, the applicant had assaulted him on head and all the head injuries are simple in nature. He further submits that the applicant is Sikhsha Karmi and other co-accused persons have already been granted regular bail. Prima-facie no offence under Section 326 of the IPC is made out against the applicant. Both the parties are relative and there is possibility of settlement between them, therefore, he prays to extend the benefit of anticipatory bail to the applicant.
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 further considering the fact that the injuries caused by the applicant to Injured are of simple nature and other co-accused persons have already granted regular bail, 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**