

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1232 of 2020

Pappan Bhadouriya S/o Late M.S. Bhadouriya, aged about 46 years,
R/o Shantinagar Ward, Jagdalpur, District : Bastar(Jagdalpur),
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Bodhghat, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05.11.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.89/2020, registered at Police Station: Bodhghat, District: Bastar (C.G.) for the offence punishable under Section 294, 323, 506, 34 of IPC and Section 25 & 27 of the Arms Act.
3. According to the case of prosecution, complainant has lodged the report with the allegations that on 09.03.2020 when he went to home by way of his car, on the way, when he parked his car, some dispute took place and the present Applicant has assaulted the complainant by one Sword, as a result of which the complainant sustained injury on his finger. On the basis of said offence has been registered.

2.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some previous enmity with the complainant. Virtually, on the date of incident itself, complainant and his companions assaulted the present Applicant by way of some sharp object, at that time, the Applicant sustained injuries from that sharp object. A report has been also lodged by the Applicant in this regard against the complainant, on the basis of which offence has also been registered against the complainant. Learned counsel further submits that apart from the offence under Section 25 & 27 of the Arms Act, all other offences are bailable in nature. From the medical report of the complainant, it appears that, he sustained injuries only on his middle finger. Thus, the story that the complainant was assaulted by way of sword is not acceptable therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and material available on record, also perused the case diary of Crime No.90/2020, on going through both the diaries, it appears that counter FIR has been lodged by both the parties and on the basis of report lodged by the present Applicant, offence has also been registered against the complainant and further considering the fact that complainant sustained injuries only on his finger, 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.
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 personal bond in the sum of Rs. 25,000/- 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:-

3.

- I. That the accused/applicant shall made 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 her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh