

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A). No. 1292 of 2020**

Vijay Rajput, S/o. Late Mohan Lal Rajput, aged about 33 years,
Occupation - Business, R/o. Sindhi Colony, Kachchi Kholi, Raigarh, Tahsil
and District - Raigarh (Chhattisgarh).

----Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station
- Chakradhar Nagar, Raigarh (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Pawan Kesharwani, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.
For Complainant	: Mr. Rahul Tamaskar, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/10/2020**

1. Apprehending arrest in connection with Crime No.84/2019, registered at Police Station – Chakradhar Nagar, Raigarh, District – Raigarh (C.G.) for offence punishable under Section 186, 294, 332, 353, 506 of the Indian Penal Code read with Section 34 of the Indian Penal Code, the applicant has preferred this third bail application for grant of anticipatory bail. The first bail application M.Cr.C.(A) No.807/2019 is dismissed as withdrawn by order dated 17.06.2019 and the second bail application M.Cr.C.(A) No.1390/2019 was dismissed for want of prosecution vide order dated 13.03.2020.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The co-accused persons namely Suresh Talreja and Ajay Kumar Batra have been benefited with grant of anticipatory bail by this Court. In further development, compromise has taken place between the applicant and the complainant, therefore, the complainant has no objection in grant of anticipatory bail to the applicant. Hence, for this reason, it is prayed that the applicant may also be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and submits that looking to the facts present in the case, the applicant is not entitled for grant of anticipatory bail.
4. Counsel for the objector submits that the complainant has no objection in grant of anticipatory bail to the applicant and the same has been filed in written before this Court.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, it is alleged that the complainant Rajesh Kumar Pandey, Junior Sanitary Inspector, Municipal Corporation Raigarh was present on the spot of incident, when he was accosted by this applicant. It is alleged that this applicant abused, threatened and assaulted the complainant with bricks. Hence this case.
7. Considered the submissions made and the contents of the case diary. Looking to the statement of no objection, which is from complainant side himself and also that the co-accused persons

have been benefited with grant of anticipatory bail by this Court, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge