

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1716 of 2019

- Chandan Patel S/o Badri Vishal Patel Aged About 40 Years Resident of House No. 30, Gautiya Para, Baigindih, Police Station- Sarangarh, District-Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station-Sarangarh, District-Raigarh Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikash Pradhan, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/01/2020

1. The applicant has filed this 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. 452/2019, registered at Police Station Sarangarh, Distt. Raigarh (C.G.) for the offence punishable under Sections 323, 34, 458 & 506 of the IPC.
2. As per prosecution story, on 27.09.2019, complainant Ramkumar who is a news reported made a complaint against the applicant and other co-accused persons alleging therein that on 26.09.2019, at about 8:30 PM, the applicant and other co-accused persons lace with dangerous weapons entered in his house, abused him with filthy language and also assaulted him with means of hands and fists. The incident was witnessed by neighbor of the complainant namely Viru, Shiva and Bhanu. On the basis of said report, offence has been registered.

3. 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 complainant Ramkumar claiming himself as a news reporter, being an educated person, if the incident occurred with him then he should lodge an FIR immediately after the incident but he did not do so and lodged the FIR on the next day of the incident at about 2:20 PM. The Counsel further submits that there was a dispute between the complainant and Foolsingh who is a Sarpanch and father of co-accused Premlal, due to which a false and fabricated report has been lodged by the complainant. Learned Counsel further submits that apart from Section 458 of the IPC, all offences are bailable in nature. The other co-accused persons have already granted benefit of bail. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the FIR has not been lodged immediately after the incident, the other co-accused persons have already granted benefit of bail. 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.
7. Accordingly, the anticipatory bail application is allowed.
8. 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. 20,000/- 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 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge