

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1848 of 2019

Jugnath S/o Late Genda Ram Aged About 60 Years Caste Gond,
Occupation Agriculture, R/o Village Fatehpur, Police Station Udaipur,
Tahsil Udaipur District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Udaipur, District Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. Amarnath Pandey, Advocate.

For Respondent/State : Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/02/2020

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. 38/2019, registered at Police Station Udaipur, Distt. Surguja Chhattisgarh for the offence punishable under Sections 307, 294, 506-B, 323 & 34 of the IPC.
2. As per prosecution story, on 25.04.2019 at about 6:30 hour, the applicant along with other co-accused person assaulted complainant Madan Singh by means of hands and fists due to that he sustained injuries on his head and back. On the basis of report made by the complainant, initially offence under Sections 294, 323, 506-B & 34 of the IPC has been registered. During course of investigation offence under Section 307 of the IPC has been added.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the complainant. He further submits that initially in FIR offence under Sections 294, 323, 506-B &

34 of the IPC has been registered and later on without being any material, only on the basis of statement of the complainant offence under Section 307 of the IPC has wrongly been added by the Investigating Officer. The Counsel further submits that all injuries sustained by the complainant were simple in nature. Prima facie no case can be made out against the applicant. The Counsel finally submits that the applicant is the reputed persons of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may 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 both the parties and perused the case diary minutely.
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 initially in FIR offence under Sections 294, 323, 506-B & 34 of the IPC has been registered and later on without being any material, only on the basis of statement of the complainant offence under Section 307 of the IPC has been added. 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 solvent 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 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