

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1842 of 2019

Vikas Kumar Gupta S/o Shivshankar, aged about 25 years, R/o Village Boda (Khamharpara), Police Station-Batauli, District: Surguja (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through Police Station: Batauli, District: Surguja (C.G.)

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/02/2020

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. 94/2019, registered at Police Station: Batauli, District-Surguja (C.G.) for the offence punishable under Section 307 of IPC.
2. As per the prosecution story, on 17.10.2019, the complainant namely Milap Gupta went to village Boda (Khamharpara) and asked his elder brother Shivshankar Gupta to give his share from ancestral property. The present Applicant who is the nephew of injured assaulted him by means of wooden seat and consequently he sustained injury on his head. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some dispute between both the family members. He further submits that Prima Facie no case under Section 307 of IPC can be made out against the Applicant because the injuries sustained by the injured are simple in nature and there is nothing on record on the basis of which it can be said that the said injuries were fatal for his life. It is further submitted that both the parties have already settled their matter and the complainant has given affidavit in favour of the Applicant and he has no objection therefore, he prays for

grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and particularly considering that there is no fatal injury caused to the complainant and both the complainant and Applicant have settled their matter, 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. 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:-
 - 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