

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1866 of 2019**

- Ataula S/o Shri Safiulla Aged About 25 Years R/o Village, Raikera, Police Station - Sitapur, District – Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station In - Charge, Police Station Sitapur District - Surguja Chhattisgarh.

---- Respondent

For Applicant	: Shri Bhupendra Singh, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****12/02/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 107/2019 registered at Police Station Sitapur, District – Surguja, C.G.) for the offence punishable under Sections 294, 506-B, 323, 427, 452, 147, 148 & 149 of I.P.C.
2. As per the prosecution story, on 21.09.2019 present applicant alongwith other co-accused persons came on vehicle (Scorpio) bearing registration No. CG 15/CH-3917 and entered inside the campus of the complainant and abused Anil Pandey and Atul Dwiwedi in filthy language. Present applicant and other accused persons also assaulted them due to which Anil and Atul sustained injuries. On the basis of the said, Deepak Chaturvedi lodged report in the police

station and offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that name of present applicant is not mentioned in the F.I.R. In the statement of Deepak Chaturvedi, recorded under Section 161 of Cr.P.C. also, he has not mentioned the name of the applicant. He further submits that other co-accused persons have already been granted bail. Therefore, present applicant may also be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that other co-accused persons have already been granted bail, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory 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 Arresting

Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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