

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2052 of 2019

Manishankar Baghel S/o Shri Sanant Kumar Baghel Aged About 28 Years
R/o Village Chanli, Ward No. 2 Ps Lalpur Tahsil Lormi And District Mungeli
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Lalpur District Mungeli
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dheerendra Pandey, Advocate.
For Respondent/State	: Mr. Pragyaditya Acharya, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/03/2020

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. 245/2018, registered at Police Station:Lalpur, District-Mungeli (C.G.) for the offence punishable under Section 294, 323, 506, 325 & 307 of IPC.
2. As per the prosecution story, on 26.12.2018, father of the injured namely Jagnnath Chaturvedi has lodged the report, alleging therein that on 02.12.2018 at around 03:00 P.M. the present Applicant abused his son Chandrashekhar Chaturvedi and also assaulted him with help of cricket bat on his head, due to that he sustained injuries on his head and other parts of the body. On the basis of said initially offence under Section 294, 323, 506 of IPC were registered. Thereafter, during course of investigation other offences under Section 325 and 307 have been added.
3. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that the incident occurred on 02.12.2018 and the FIR has been lodged after 24 days i.e. on 26.12.2018 and the delay has not been duly explained. He submits that initially offence under Section 307 & 325 were not registered,

but later on, on the basis of reply of query made by doctor of the injured, further offence were added. It is further submitted that the injury occurred is simple in nature therefore, offence under Section 307 is Prima Facie not made out and all other offences leveled against the Applicant are bailable 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 and particularly considering the fact that there was delay in lodging the FIR and further considering the fact that only one blow was found on the head of the injured person and the nature of the injury was not grievous, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant of 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