

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2084 of 2019

Mirza Javed Beg S/o Late Mirza Altaf Beg, aged about 34 years, R/o Takiya Para, Police Station: Durg, Tahsil And District - Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Durg Kotwali, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Tarun Dansena, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/02/2020

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. 908/2019, registered at Police Station: Durg Kotwali, District-Durg (C.G.) for the offence punishable under Section 294, 323, 506, 34 & 307 of IPC.
2. As per the prosecution story, on 03.10.2019 the Applicant along with other co-accused person committed *Maar-peet* with the complainant on the basis of allegations that he had complained to the Nagar Nigam Office that the present Applicant and co-accused persons had illegally captured the government land thereafter on the same date of incident the complainant lodged the FIR, except Section 307 of IPC all the other offences punishable under Section 294, 323, 506 & 34 of IPC was registered against the Applicant and later on offence punishable under Section 307 of IPC was added against the Applicant.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that all the

other offences leveled against the Applicant are bailable. He further submits that Prima Facie no case under Section 307 can be made against the Applicant because the injury caused to the complainant is not fatal for his life, 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 counsel for the parties and particularly considering that there is no material evidence against the Applicant from which offence under Section 307 can be made out and also considering that the injury caused to the complainant is not fatal for his life, 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