

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2165 of 2019

1. Indrajeet S/o Ghanshyam Aged About 30 Years Caste Rathore, R/o Village Daunjara, Police Station Gaurela, District Bilaspur Chhattisgarh.
2. Umesh Kumar S/o Lakshman Aged About 38 Years Caste Rathore, R/o Village Lalpur, Police Station Gaurela, District Bilaspur Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gaurela, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate.

For Respondent/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 356/2019, registered at Police Station Gaurela, Distt. Bilaspur (C.G.) for the offence punishable under Sections 307/34 of the IPC.
2. As per prosecution story, complainant Kanhaiyalal Rathore lodged a report in concerned Police Station alleging therein that on 18.11.2019 at about 8 PM when he was returning to his home from Sanjay Chowk Gaurela, on the way, he suspected that somebody is following him on Pick-Up vehicle thereafter, he came to know that the applicants were seated in the said vehicle. Applicant no. 1 was driven the vehicle and applicant no. 2 was seated beside him. It has been alleged that there was a previous enmity between the complainant and applicant no. 2 due to that, with intend to murder of

the complainant, the applicants stumbled the complainant from his back and he sustained injuries. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some previous enmity with the complainant. He further submits that there were multiple litigations have been pending between the complainant and applicant no. 2 due to that the complainant has made false complaint against the applicants. The Counsel submits that if the entire story taken as it is, it seems that it was just an accident. The complainant sustained simple injuries, in these circumstances, no case under Section 307 of the IPC can be made out against the applicants. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the 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. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge