

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 23 of 2021**

- Mukesh Lata S/o Shri Ghanshyam Lata, Aged About 30 Years R/o Kirari, P.S. And Tehsil Akaltara, District Janjgir Champa (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Baradwar, District Janjgir Champa Chhattisgarh

---- Non-Applicant

For Applicant : Shri Abhishek Sinha, Advocate.

For Non-Applicant : Shri Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/03/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.364/2020, registered at Police Station Baradwar, District Janjgir Champa for offence punishable under Sections 294, 323, 452 and 506 of the IPC.
2. As per the contents of the FIR lodged by complainant Anand Modi on 12.12.2020, the applicant entered his shop namely, Shyam Industries and Fly Ash Plant for purchase of pipes and had heated arguments with his employee Shanu Sawadiya and later on abused him filthily and assaulted. When the complainant reached the factory premises and intervened in the dispute between the applicant and Shanu, he too was filthily abused and assaulted.
3. It is argued that the complainant has family dispute with Gyarasi Modi,

Moolchand Modi, Anand Agrawal, Ashok Modi and Anil Modi against whom he has lodged the report earlier, therefore, since the applicant happens to be connected with above persons, he has been falsely implicated.

4. Learned State Counsel would oppose the prayer for grant of bail.
5. Considering the nature of allegations including the nature of injuries and for the fact that the offences are triable by the JMFC, applicant's custodial interrogation may not be required, as also for the reason that the applicant is not a hardened criminal but is a businessman, I am inclined to release him on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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 facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve