

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 138 of 2021

- Himanshu Mehar S/o Mohan Mehar Aged About 23 Years R/o Devrikhurd, New Housing Board Colony, Mig-134, Torwa, Police Station Torwa, District Bilaspur Chhattisgarh

---- applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Bilaspur District Bilaspur Chhattisgarh

---- Respondent

For Applicant	–	Mr. Goutam Khetarpal, Advocate
For State	-	Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/05/2021

1. Apprehending arrest in connection with Crime No. 689/2020 registered in Police Station Civil Line Bilaspur Distt. Bilaspur (C.G.) for offence punishable under Sections 279, 294, 323, 354 of Indian Penal Code, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. As per the prosecution case, on 07.10.2020 while the complainant was returning to her house in her Activa Scooty, the accident happened when the motorcycle bearing registration No. C.G.-10-6823 which was driven by the applicant collided with the vehicle of complainant. Thereafter altercation happened and subsequently the report has been made by both.
3. Learned counsel for the applicant submits that on a trivial issue, the matter has been inflated and the counter report has also been made by the applicant. He refers to the FIR by the applicant which is placed on record and submits that the applicant is in apprehension that he would be arrested and he is a student and pursuing for different competitive exams and with such arrest his entire career would be in stake.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the FIR which was also lodged by the present applicant. Perusal of the report would show that on a trivial incident which flared up, report and counter report was made by both i.e. against the applicant & complainant and certain photographs have also been annexed.
6. Considering the nature of allegation and nature of dispute, the applicant who is student if arrested may face huge problem in future. Both the complainant & applicant were not known to each other and were strangers. Taking into totality it is directed that in the event of arrest, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.
6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs. 25,000/- with one surety each in the like sum to the satisfaction of the concerned investigating officer. The applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that 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/-
(Goutam Bhaduri)
Vacation Judge