

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 303 of 2021

- Ajay Yadav S/o Raju Yadav, Aged About 21 Years, R/o : Vijay Nagar Near Shakuntala School, Ward No. 12, District : Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The S.H.O. P.S. Mohan Nagar, District -Durg Chhattisgarh.

--- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For State	: Ms. Anjali Singh Chauhan, PL.

(Proceedings through video conferencing)
Hon'ble Shri Parth Prateem Sahu, J
Order on Board

16/07/2021

Heard.

1. This is an application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.389/2020 registered at Police Station - Mohan Nagar, District -Durg, (CG), for commission of offence punishable under Sections 147, 249, 323, 427 & 452/34 of Indian Penal Code.
2. The prosecution story, in brief, is that on 17.11.2020 at about 10:15 PM, 8-10 boys were fighting in front of his house and using filthy languages. This was objected by the complainant, upon which, all of them chased him to assault. Complainant in order to save himself, entered into his house. Those boys also entered into the house of complainant and assaulted him. Seeing incident, younger brother, mother and neighbour of complainant came on spot to intervene. Incident was reported to concerned police station, based upon which, instant crime is registered against the applicant and other co-accused persons.

3. Learned counsel for the applicant submits that name of present applicant is neither mentioned in FIR nor in statement of complainant recorded under Section 161 of Cr.P.C. The allegation levelled against present applicant is absolutely false and frivolous, hence, he may be extended benefit under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for the applicant, however, he admits that in FIR as well as statement of complainant recorded under Section 161 of Cr.P.C name of present applicant is not mentioned.
5. I have heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegations levelled against the applicant and the fact that name of present applicant does not find place in FIR as also in the statement of complainant recorded under Section 161 of Cr.P.C, without commenting anything on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety 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/-

(Parth Prateem Sahu)
Judge

Jamal/-