

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 358 of 2021**

- Nitin Uike S/o Shri Harishankar Uike, aged about 28 years, R/o village Savantpur, P.S. Sargaon, Tahsil Pathariya, District Mungeli (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Sargaon, District Mungeli (C.G.)

---- Respondent

For Applicant	:	Mr. Avadhesh Mishra, Advocate.
For Respondent.	:	Mr. Roshan Dubey, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.19/2021 registered at Police Station - Sargaon, District Mungeli (C.G.) for commission of the offence punishable under Sections 294, 147, 323, 452 and 506 of Indian Penal Code.
2. The prosecution story, according to the complaint, is that on 26.01.2021 at about 5.30 pm, her son Rajesh Sahu had gone to Grocery Shop where co-accused Nisha Uike was also present in whose hand there was a *Ghamela*, seeing which Raju said that it belongs to him, upon which a quarrel took place between them. The present applicant who was standing there entered the house of complainant and

assaulted Rajesh Sahu. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that it is Raju who entered the house of applicant, committed maarpeet and also used filthy language. The FIR (Annexure A-3) has also been registered against him and his family members. He also submits that expect Section 452 IPC, all the offences are bailable. Therefore, the applicant may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the fact that counter FIR has also been filed by the applicant, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned 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 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/-

(Rajani Dubey)
Judge

pkd