

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 603 of 2021**

Mukku Thakur @ Devendra Singh Thakur S/o Shri Narayan Singh Thakur, Aged About 28 Years, R/o Kushalpur, Sheetla Colony, Police Station Purani Basti, Raipur District Raipur Chhattisgarh. (As Per Cause Title).

---- Applicant**Versus**

The State of Chhattisgarh through Police Station D.D. Nagar, Raipur District Raipur Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Rishikant Mahobia, Advocate

For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/07/2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.303/2020 registered at Police Station D.D. Nagar Raipur, District Raipur C.G., for offence punishable under Section 307/34 of Indian Penal Code.
2. Case of the prosecution is that on 21/09/2020, complainant Virendra Yadav was operating machine for the purpose of laying down cables under the Smart City project for installing CCTV Cameras in the night, at that relevant time, applicant along with other co-accused person, came there and started assaulting the

workers who were digging the road. Complainant/Virendra Yadav went there to intervene, upon which, two persons ran after him to assault, one person caught hold of him and the other Guddu Yadav has given knife blow over his abdomen and buttock, thereafter, accused persons ran away from the spot. The incident was reported to the concerned Police Station, based upon which, instant crime was registered. First Information Report was registered against Guddu Yadav and their associates. During the course of investigation, Guddu Yadav was arrested. On the basis of memorandum statement of Guddu Yadav, Sagar and present applicant have made accused in the instant crime.

3. Mr. Rishikant Mahobia, learned counsel for the applicant submits that allegation of assault to complainant of giving knife blow is upon Guddu Yadav. There is no allegation against the applicant. No incriminating article has been recovered from the possession of present applicant. He further submits that applicant has not committed any offence as alleged against him, hence, he may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chouhan, P.L., for the State vehemently opposes the bail application and submits that as the complainant has not known the person, but he heard the name of Guddu Yadav from the person who has caught hold of him at the time of incident, hence, First Information Report was registered against Guddu Yadav and his companions. She further pointed out that in the memorandum statement of Guddu Yadav, name of present applicant is also there, who participated in the incident of

assault to the workers, who were digging the road. She submits that offence under Section 307/34 of Indian Penal Code is registered against the applicant, hence, he is not entitled for anticipatory bail.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against the present applicant, in the memorandum statement of Guddu Yadav, it has come that along with him, two other applicants, by name, Sagar and present applicant were present on spot and all of them participated in the incident, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-

(Parth Prateem Sahu)
Judge