

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 668 of 2021

- Sahil Jain, son of Shri Mahendra Jain, aged about 23 years, resident of Kurmi Para, Ward No.21, PS Kotwali, District Bemetara (CG)

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Saraswati Nagar, District Raipur (CG)

---- Non-applicant

For Applicant	:	Miss Sharmila Singhai, Sr. Advocate assisted by Miss T. Mondal, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

16/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.88/2021 registered at Police Station Saraswati Nagar, District Raipur for commission of offence punishable under Sections 294, 323, 506-B, 507, 427, 452, 34 of the Indian Penal Code.
2. The prosecution story, in brief, is that on 28.5.2021 at about 5.30 p.m. present applicant along with co-accused Aman Jain went to the office of the complainant to collect insurance papers of Audi car bearing registration number CG04-KS-0074, purchased by co-accused Aman Jain. As the complainant was not present in the office, therefore, co-accused Aman Jain made call to him on his mobile and asked for insurance papers. The complainant told co-accused Aman Jain that he is not in the office and asked him to collect insurance papers on next day. On this, accused persons got

annoyed, broken office furniture, window etc. and also gave assaults to Hari Prasad Kewat and Vijaykant Sahu. Incident was reported by complainant to the concerned police station based on which instant crime is registered against present applicant & co-accused Aman Jain.

3. Miss Sharmila Singhai, learned Senior Advocate for applicant submits that applicant is not involved in any manner in alleged commission of offence. There is no specific allegation against present applicant. Intention of present applicant, if taken into consideration from the contents of FIR, was not to cause hurt, assault or to do any wrongful act. Present applicant along with co-accused had visited the office of complainant only to collect insurance papers of Audi car for which they are entitled to, as co-accused Aman Jain has paid the amount of premium for getting his car insured. She further submits that after registration of offence, the complainant and accused persons had entered into a compromise and an affidavit to this effect has been executed by complainant before the Notary at Raipur, which is filed alongwith this bail application as Annexure A-2. She further submits that all the offences are bailable, except offence under Section 452 of IPC. Hence the applicant may be extended benefit of anticipatory bail under Section 438 of CrPC.
4. Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for the applicant and submits that present applicant along with co-accused entered the office of complainant, caused damage to the office articles and also assaulted Hari Prasad Kewat and Vijaykant Sahu. Hence, present applicant is not entitled to be released on anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against present applicant, particularly the fact that he along

with co-accused Aman Jain, who has paid premium to complainant for getting insured Audi car purchased by him, went to the office of complainant only for collecting insurance papers of his car, all the offences alleged against present applicant are bailable in nature, except offence under Section 452 of IPC, without commenting anything on merits of the case, I am of the view that present is a fit case where applicant should be granted anticipatory bail.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of 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 Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the Investigating Officer as & when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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

roshan/-