

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 770 of 2021**

1. Prem @ Pramod S/o Purushottam Tiwari, Aged About 37 Years,
 2. Vishesh Gupta S/o Santosh Gupta, Aged About 27 Years,
 3. Aman Gupta S/o Kishore Gupta, Aged About 26 Years,
 4. Nilesh Mishra S/o Krishna Kumar Mishra, Aged About 22 Years,
 5. Aman @ Charu S/o Ashok Gupta, Aged About 22 Years
- All are R/o Kota, Police Station Kota, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through the Station House Officer,
Police Station Kota, District Bilaspur Chhattisgarh.

---- Non-applicant

 For Applicants : Shri Raghvendra Pradhan, Advocate
 For State/non-applicant : Shri Vimlesh Bajpai, Government Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****09.08.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.311 of 2021, registered at Police Station Kota, District Bilaspur (C.G.), for offence punishable under Sections 294, 323, 506, 307, 147, 148, 149 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 31.05.2021, at about 9.30 PM, Rashid Khan was standing in front of house of

complainant along with his other friends, at that relevant time, applicants along with others came there, started abusing in filthy language, threatened of life and started assaulting them by means of hands, fists and stick. Thereafter, they left the place of incident. The incident was reported to concerned Police Station on same day at about 10.30 PM, based upon which instant crime was registered.

3. Shri Raghvendra Pradhan, learned counsel for the applicants would submit that it is the complainant party who were aggressor, abused and assaulted the applicants and others who are passing in front of the house of complainant. He further submits that both the parties suffered injuries. On the complaint of Rashid Khan, initially the offence was registered under Sections 294, 323, 506, 147, 148 and 149 of the IPC only. The applicants party also lodged the report before the same Police Station on next day after taking treatment. Offence under Section 307 of the IPC is registered subsequently based on the injury report only to make the offence grievous in nature. The injuries are simple in nature. It is contended that all the offences registered against the present applicants are bailable. Applicant No.4 and 5 are students and there is no specific allegation levelled against the applicants that they have assaulted by means of clubs or stick on the head of complainant, hence, present applicants are entitled for anticipatory bail.
4. Per contra, Shri Vimlesh Bajpai, learned Government Advocate representing the State vehemently opposes the bail application

and would submit that all the applicants forming the unlawful assembly went in front the house of complainant where he was standing along with his friends and assaulted him and other friends. He further submits that in MLC report of complainant, it is mentioned that he suffered head injury. Upon putting specific query with regard to nature of injury mentioned in medical report, he submits that there is no mention with regard to nature of injuries suffered by the complainant. He also submits that complainant has not named any person of assaulting by means of stick or club.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, the applicants have also lodged report against Rashid Khan, Bholu Khan, Ankush Singroul, Ankur Vaishnav and others on 01.06.2021 with regard to same incident, applicants No.4 and 5 are students and as stated by learned counsel for the applicants as per material available in the case diary, there is no mention of any criminal antecedents against the applicants, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum

to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) they 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 them from disclosing such facts to the Court or to any police officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh