

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 809 of 2021**

- Pintu Purohit S/o Ishwar Purohit Aged About 25 Years R/o Village Bojiya Tahsil Dharamjaigarh, District Raigarh Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Chhal, District Raigarh Chhattisgarh

---- Respondent

For Applicant	: Shri Ashutosh Mishra, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

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

16.08.2021

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. 336 of 2021 registered at Police Station Chhal, District Raigarh, Chhattisgarh for commission of offenses punishable under Section 294, 323, 324, 506B, and 34 of IPC & Section 25 of Arms Act.
2. Case of the prosecution, in brief, is that, on 16.03.2021, complainant along with one Narendra Chauhan was lining up their Trailor-Truck near Dhaba open mines. At that relevant time, applicant along with Abbas Khan and one another, came there and started abusing complainant. Thereafter, when Narendra Chauhan asked them not to abuse him in filthy language, they started assaulting him. Co-accused Abbas Khan assaulted Narendra Chauhan by means of iron strip, shaped like sword. Narendra Chauhan suffered grievous injuries over his person, and was taken to nearby hospital. Report was lodged in concerned Police Station, based upon which, instant crime has been registered against present applicant and co-accused persons.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Ashutosh Mishra, learned counsel for the applicant submits that dispute arose suddenly, when complainant and applicant were parking their vehicles near mining area. In a sudden dispute, scuffle and quarrel took place on both sides, upon which, co-accused Abbas Khan took out iron strip in the shape of sword and caused injury to Narendra Chauhan. Present applicant was not armed with any weapon. Except offence under Section 25 of Arms Act, all other offences are bailable offences. Hence, applicant may be enlarged on anticipatory bail.

5. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that applicant along with other two accused persons came on the spot, abused complainant and started assaulting Narendra Chauhan. He received as many as nine injuries on his person, out of which, one incised wound on his left thigh. Learned counsel further submits that there are sufficient material available in case diary against the applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant; the manner in which dispute took place, quarrel started and further, allegation of assault by means of sharp edged weapon is against co-accused Abbas Khan, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. 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/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma