

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 835 of 2021

- Brajlal Sharma S/o Shri Ram Ashray Sharma Aged About 54 Years Guard At Union Bank, Mandi Gate, Pandri, Raipur, At - Rameshwar Nagar, Bhanpuri, Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Devendra Nagar, District Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri Vinay Nagdev, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

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

30.07.2021

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. 74 of 2021 registered at Police Station Devendra Nagar, Raipur Chhattisgarh for commission of offense punishable under Section 308 of IPC.
2. Case of the prosecution, in brief, is that, on 04.06.2021 when the complainant went to Union Bank of India, Branch at Raipur for the purpose of making entries of transactions in his Passbook, at that relevant time, present applicant was working as Security Guard. When applicant was loading his Gun, it fired due to which complainant suffered gun shot injury over his leg. He was taken to Hospital and after discharge from Hospital, he lodged a written report. 23.06.2021, based upon which FIR was registered against present applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Vinay Nagdev, learned counsel for the applicant would submit that applicant is working as Security Guard and employed in Union Bank of India, Raipur Branch. He has to keep licensed Gun along with him in discharging his duties. In the morning, when he was loading his gun afresh, accidentally, it fired. He submits that there was no intention of applicant to fire with Gun and there is no such allegation also. Gun shot injury occurred by mistake and it was on the leg of complainant. He further submits that looking to facts of case and nature of allegations levelled against present applicant, he may be enlarged anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that there is specific allegation that while complainant was in bank for his work, he suffered Gun shot injury from the Gun of present applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicant, the fact that applicant is posted as Security Guard in the Bank having licensed Gun, as per allegation Gun fired due to mistake, without commenting anything on merits of 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 himself 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 by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma