

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 904 of 2021

- Chandrakumar Chandra S/o Santosh Chandra Aged About 22 Years Caste Chandrnahu R/o Village Aamgaon, P.S. And Tahsil District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer P.S. Jaijaipur District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	: Shri Rahil Arun Kochar, Advocate
For Respondent/State	: Shri Shrikant Kaushik, PL

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

10.08.2021

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. 104 of 2021 registered at Police Station Jaijaipur, District Janjgir-Champa, Chhattisgarh for commission of offenses punishable under Sections 452, 294, 506, 323 and 34 of IPC.
2. Case of the prosecution, in brief, is that, on 13.07.2021 at about 4.30 pm when complainant-Poonam Chandra was working inside her house, she heard noise of dispute wherein present applicant along with others were abusing her husband-Raju Chandra and also assaulted him, due to which Raju Chandra went inside his house and present applicant followed him and entered into house. Complainant when tried to intervene them, she was abused and in that scuffle, her bangles and chain were broken. Crime was reported to Police on the next day and instant crime was registered against present applicant and other co-accused persons.

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

4. Shri Rahil Kochar, learned counsel for the applicant submits that this complaint has been lodged against present applicant as a counter blast, because of old enmity and ill intention. He submits that Chintaram, brother-in-law of Raju Chandra has lodged a complaint to concerned Police Station against Raju Chandra and one Motu Chand on 24.06.2021 for offences under Sections 294, 596, 323 and 34 of IPC. Copy of FIR, is placed on record along with covering memo dated 10.08.2021. He submits that except statement of complainant recorded under Section 161 of CrPC and one Suneeti Chandra, sister-in-law of complainant, there is no material collected by the Police. No statement of independent witnesses is recorded even when the incident took place at about 4.30 pm in the evening as alleged. Applicant has been falsely implicated and allegations against him are absolutely false and baseless, hence he may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Shri Shrikant Kaushik, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that in written complaint, there are specific allegations against applicant that after assaulting Raju Chandra, husband of complainant, present applicant entered into house of complainant, following Raju Chandra and abused family members of complainant, there was scuffle between complainant and appellant. Further, upon putting specific question with regard to material collected by the Police during the investigation, he submits that statement of Poonam Chandra and Suneeti

Chandra was recorded under Section 161 CrPC with regard to the MLC report of the injury suffered by Raju Chandra, husband of complainant, and complainant, she submits that no document is available in case diary at present.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant, material collected by the Police and further considering the FIR lodged by Chintaram, who is stated to be brother-in-law of present applicant, who lodged FIR against Raju Chandra, husband of complainant on 24.06.2021, just before few days of the alleged incident, 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 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