

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 930 of 2021**

- Mohammed Saheb @ Afzal S/o Mohd. Asrat Aged About 21 Years R/o Ward No. 43, Rapta Chowk, Chantidih, Lingiyadih, Tahsil And District- Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Amit Kumar, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

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

17.08.2021

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. 864 of 2020 registered at Police Station Sarkanda, District-Bilaspur, Chhattisgarh for commission of offenses punishable under Sections 147, 148, 149, 294, 506, 341 and 307 of IPC.
2. Case of the prosecution, in brief, is that, on 16.09.2020, when the Victim/Complainant was travelling on Main Road Chantideeh, Bilaspur, at that relevant time, applicant along with other co-accused persons stopped and assaulted him. During the course of assault, co-accused Sahil has caused stab injury over complainant and thereafter, they fled away from the spot. Incident was reported to concerned Police Station, based upon which instant crime has been 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 Amit Kumar, learned counsel for the applicant submits that applicant has not assaulted complainant by means of knife. Allegation is against co-accused Sahil and present applicant has only assaulted with hands and fists. Hence, he may be enlarged on anticipatory bail.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that applicant along with other co-accused persons with a common intention, formed unlawful assembly, assaulted and stabbed Victim/Complainant with knife. Offences under Sections 147, 148 and 149 are registered against present applicant hence he is not entitled for anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant; allegation of stab injury and assaulting complainant along with other co-accused persons, I do not find it a fit case to enlarge the applicant on anticipatory bail. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE