

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 942 of 2021

Pushpendra Patel S/o Aniruddha Patel, Aged About 20 Years, Occupation - Student, R/o village - Chaple Kharsiya, Tahsil - Kharsiya, District - Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - Police Station House Officer - Kotraroad, District – Raigarh, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent-State	: Mr. B.P. Banjare, Dy. GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

23/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.104/2021 registered at Police Station –Katraroad, District -Raigarh, (CG), for the offence punishable under Sections 294, 506, 323, 325, 326, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 08.04.2021 Sachin Patel (victim) after loading wheat on his tractor, was going to transport it, but on the way hydrophilic pipe of tractor got burst due to which, oil spread on road. He put sand over oil and marked it by branches of tree to save persons travelling on road. On the same day, applicant while passing from road, ran over sand due to which his motorcycle slipped and he fell down. Gaurav Patel brother of applicant, coming behind him, also slipped on road. When Sachin Patel went to help them, both of them started abusing and assaulting him. Applicant assaulted him by means of hands and fist, whereas, his brother Gaurav Patel assaulted him by means of rod. As a result, Sachin Patel suffered grievous injuries on his head.

Incident was reported by father of Sachin Patel, based upon which, instant crime is registered against applicant and his brother.

3. Learned counsel for the applicant submits that incident took place as there was scuffle between both the parties. Incident was not planned. Applicant has not assaulted the injured/victim by means of any arm or weapon but as per allegation he assaulted him by means of hands and fist. Applicant is a student, who passed 12th examination in the year 2020. Hence, he may be enlarged on anticipatory bail.
4. Learned counsel for the State opposes the submission made by learned counsel for applicant and submits that applicant and his brother Gaurav Patel have assaulted injured/victim by means of hands, fist and rod due to which, he suffered grievous injuries over his person. As per Radiologist report available in case diary, victim/injured suffered fracture injury over his right frontal bone. Hence, applicant is not entitled for grant of anticipatory bail. However, upon putting a specific query to learned State Counsel, he submits that there is no allegation against present applicant of assault by means of any arm or weapon but it was against other co-accused Gaurav Patel.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of case, nature of allegation, manner in which dispute took place, the fact that allegation of assault against present applicant is only by means of hands and fist, without commenting anything on merits of this case, I am inclined to grant anticipatory bail to applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with crime in question, he shall be released on bail by officer arresting him on executing a

personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by the following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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 from disclosing such facts to the Court or to any police officer;
- (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant shall appear before the trial Court on each and every date given to him by said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-