

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.955 of 2021

- Abhishek Singh, S/o Anil Singh, aged about 29 years, R/o Godhanpur, Ambikapur, PS & Tahsil Ambikapur, Dist. Surguja (CG)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Gandhinagar, Ambikapur, Dist. Surguja (CG)

---- Non-applicant

For Applicant	:	Mr. B.D. Guru, Advocate
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

24/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.299/2021 registered at Police Station Gandhinagar, Ambikapur, Dist. Surguja (CG) for commission of offence punishable under Sections 458, 294, 506, 323, 427, 34 of IPC.
2. Case of the prosecution, in brief, is that on 13.7.2021 in between 8 to 9 p.m. applicant along with other accused persons came in front of house of complainant and started hurling abuses in filthy language. On hearing noise, complainant came out of his house and upon hearing that persons standing in front of his house are calling his son, he asked them to come in the morning to meet his son. While uttering filthy language, two persons i.e. applicant and co-accused Imroz Khan @ Babu Khan, came inside the house of complainant and assaulted him by means of stick, hands & fists. Incident was reported to concerned police station on the same day at about 10:40 p.m., based on which FIR is registered against applicant and others.
3. Mr. B.D. Guru, learned counsel for applicant would submit that

applicant has not committed the offence as alleged against him and he has been falsely implicated in crime in question. Dipak Pandey, son of complainant, has taken financial help of Rs.1 Lakh from applicant assuring that he will return the same within a week. But when amount is not returned, applicant went to house of Dipak Pandey, son of complainant, demanding back his money. However, instead of returning money to applicant, Dipak Pandey son of complainant, threatened him to assault by means of steel rod regarding which report was lodged by applicant in the concerned police station on 3.6.2020. He further submits that with intent to escape from liability to return Rs.1 Lakh, false allegation has been levelled against applicant. He further pointed out that it is the employee of applicant who went to the house of complainant and demanded back money, but he was also assaulted and abused in the name of his caste by Dipak Pandey, son of complainant, for which also FIR under Crime No.21/2021 for commission of offence under Sections 342, 294, 506, 323, 34 of IPC and Section 3 (1) (r) & (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is registered against Dipak Pandey on 24.7.2021. Hence, applicant may be enlarged on anticipatory bail.

4. Per contra, Mr. Sudhir Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that there are allegations against applicant that he along with co-accused Imroz Khan alias Babu Khan entered into house of complainant, assaulted him by means of stick, hands & fists and also broken rear glass of car parked in front of the house of complainant. The entire incident was captured in CCTV camera installed at the complainant's neighbour residence. In support of his submissions, learned counsel read out statements of Shubham Kumar, Vijay Thakur, Dipak Pandey and complainant recorded under Section 161 of CrPC. Hence, the

applicant is not entitled to be enlarged on anticipatory bail.

5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations; the manner in which incident is said to have been committed by applicant along with co-accused and further considering statements of Shubham Kumar, Vijay Thakur, Dipak Pandey and complainant recorded under Section 161 of CrPC, I am not inclined to enlarge applicant on anticipatory bail. Accordingly, bail application of application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-