

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 966 of 2021**

- Deepak Namdev S/o Shri Kishore Namdev, Aged About 24 Years R/o Mathpurena, Raipur, Tahsil And District - Raipur (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, Police Station Tikrapara, Raipur, District - Raipur (Chhattisgarh)

---- Respondent

For Applicant	: Shri GVK Rao, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

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

18.08.2021

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. 190 of 2021 registered at Police Station Tikrapara, Raipur Chhattisgarh for commission of offenses punishable under Sections 294, 323, 506, 326, and 324 of IPC.
2. Case of the prosecution, in brief, is that, on 20.06.2021 at about 3.30 pm, present applicant, along with his friends Kuldeep Yadav and Arvind Yadav, went to new bus stand, Raipur on motorcycles for wandering. When they were returning at about 5.30 pm and reached near Sheetla Chowk, Mathpara and gave signal by waving the hand for turn, complainant objected, upon which, applicant and his friends stopped there and during the course of talk, present applicant had given a blow by some sharp edged weapon on Kuldeep Yadav, by which he suffered incised wound on his hand. Incident was reported to concerned Police Station, based upon which aforementioned crime was registered against the applicant.

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

4. Shri GVK Rao, learned counsel for the applicant submits that it is the complainant himself, who along with his other two friends, started quarreling with applicant. Applicant was walking through the road, where complainant and his friends came driving their motorcycles in a rash manner, which was objected by the applicant. On his objection, complainant and his friends became aggressive, started quarreling and assaulted applicant. The injuries suffered by the complainant were in scuffle and not intentional. He further submits that complainant suffered only one injury and that too, it was not caused by the applicant, but he received injury with some article during the course of scuffle. Hence applicant may be enlarged on anticipatory bail.

5. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that complainant suffered grievous injuries on his person by sharp edged weapon. He further submits that complainant was admitted in hospital from 20.06.2021 to 25.06.2021. Hence, applicant is not entitled for bail under Section 438 CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration the manner in which incident took place, nature of injuries and the fact that applicant was walking on road when complainant and his friends came there on motorcycles, dispute and

quarrel was sudden, without commenting anything on merits of the 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