

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1062 of 2021**

- Ramesh Ratre, S/o Lalaram Ratre, Aged About 23 Years, R/o Village- Murlidih, Police Station- Mulmula, Civil And Revenue District- Janjgir Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through - Office- In- Charge Police Station- Mulmula, District- Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant	: Shri Devesh G Kale, Advocate
For Respondent/State	: Ms Anjali Singh Chouhan, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**06.09.2021**

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. 360 of 2020 registered at Police Station Mulmula, District Janjgir-Champa, Chhattisgarh for commission of offenses punishable under Sections 186, 294, 332, 353 and 34 of IPC.
2. Case of the prosecution, in brief, is that, on 21.12.2020, at about 9 pm, injured Roshan Patle was brought to Police Station by Ramika Patle (wife of injured), Fulvabai, Rajesh Ratre and applicant. Roshan Patle was assaulted by Manharan Ratre, son of Manharan Ratre and brother of Manharan Ratre. In the said assault, Roshan Patle suffered grievous injuries. He was taken to Police Station for getting the crime registered. Applicant and others started shouting for registration of FIR upon which complainant-Manoj Banerjee, one of the Police employees asked them to wait and to sit in waiting hall and thereafter, he will register FIR, upon which applicant and others became aggressive, abused and also assaulted complainant. Aggrieved by the Act of

abusing in filthy language and assaulting by applicant and other co accused persons, complainant registered FIR on 22.12.2020 at about 12.30 hours.

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

4. Shri Devesh Kela, learned counsel for the applicant would submit that in the incident which took place in village, Roshan Patle was assaulted by Manharan Ratre and his family members. Roshan Patle suffered grievous injuries. He was initially taken to Primary Health Centre for treatment, from where, he was referred to higher hospital for appropriate treatment. Injured person was taken in Ambulance, but on the way they stopped at Police Station for lodging complaint. Police employees who were present there were not registering their FIR and not performing their duty. Looking to serious condition of injured person, present applicant along with other co-accused persons, became aggressive. They have not assaulted complainant as alleged in FIR. He further submits that there is delay in lodging FIR and allegations levelled against applicant are false and frivolous. He further submits that there was no allegation against present applicant that he assaulted Police Officer/complainant while he was discharging his duty, but applicant became aggressive on causing delay in registration of FIR. Hence, applicant may be enlarged on anticipatory bail.

5. On the other hand, Ms Anjali Singh Chouhan, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that when the applicant along with injured and other co-accused persons came to Police Station, looking to condition of injured person-

Roshan Patle, complainant asked them to take the injured immediately to the Hospital and thereafter to lodge FIR. Complainant also advised that one person amongst them may stay at Police Station for lodging FIR and others may go to hospital with injured person, upon which applicant and other co-accused persons became violent and started abusing and assaulting complainant. He submits that there are other criminal antecedents against applicant of 2017 and he is not entitled for bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant, the manner in which alleged incident stated to have taken place. On the complaint of Smt Ramika Patle, w/o Roshan Patle on 21.12.2020 at about 11.30 pm, FIR against Manharan and others was registered, 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 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 himself 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

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