

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1086 of 2021

1. Pintu @ Tarun Patel S/o Purshottam Patel, Aged About 19 Years.
 2. Akash Sarthi S/o Mukesh Sarthi, Aged About 23 Years.
 3. Bhola Yadav S/o Kripa Yadav, Aged About 22 Years.
- All are R/o Turkari Para Khairagarh, Police Station and Tahsil -Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Khairagarh, District -Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Tarun Dansena, Advocate.
For State	: Ms. A.S. Chauhan, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/09/2021

Heard.

1. Applicants have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.304/2021 registered at Police Station –Khairagarh, Distt -Rajnandgaon, (CG), for the offence punishable under Sections 294, 323, 506, 452, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 22.08.2021 at about 11:00 pm, applicants entered into house of complainant, assaulted Kamlesh Verma friend of Alfaz Beg, they have also abused in filthy language. In assault, child Alam Beg aged about 2 years also suffered injuries. Incident was reported to concerned Police Station on same day at about 11:00 pm, upon which, crime is registered against applicants.
3. Learned counsel for the applicants submits that incident took place in front of house where Alfaz Beg, Kamlesh Verma, Ameen Beg & Chhotte (brother of Alfaz Beg) assaulted applicants and also abused them. After hearing assault and scream, parents of applicants also rushed out and

intervened. Applicants have also lodged complaint to the concerned Police Station on same day at about 8:30 pm, which is evident from document filed along-with application as Annexure A-2. Based upon which, offence under Section 294, 323, 506, 34 of IPC is registered against Alfaz Beg, Kamlesh Verma, Ammen Beg and Chhottu. The allegations levelled against applicants are absolutely false and frivolous, with ill intention to implicate applicants in graver crime. Hence, applicants may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that as per allegation applicants entered into house of complainant, assaulted Kamlesh Verma. In assault other person present on spot also suffered injuries including small child Alam Beg aged about 2 years. FIR was lodged on same day of incident. However, on putting a specific query to learned State Counsel with regard to the injuries suffered by other persons, she submits that only Alam beg and Kamlesh Verma have suffered injuries.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, counter report filed by applicants on same day of incident, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on bail by the officer arresting them 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. The applicants shall also abide by the following conditions :

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

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-