

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1119 of 2021

- Ved Kumar, S/o Bishnu Prasad, Aged About 23 Years, Caste Satnami, R/o Village Kulharbuda, Tahsil Farsabahal, District Jashpur, Chhattisgarh,

---- Applicant

Versus

- The State Of Chhattisgarh Through The S H O, Police Station Tumla District Jashpur, Chhattisgarh

---- Respondent

For Applicant	: Shri AK Prasad, Advocate
For Respondent/State	: Shri Roshan Dubey, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15.09.2021

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. 31 of 2020 registered at Police Station Tumla, District- Jashpur, Chhattisgarh for commission of offenses punishable under Sections 326, 323, 506, 294 of IPC (offence under Section 307 of IPC has been wrongly mentioned in order impugned).

2. Case of the prosecution, in brief, is that, on 14.03.2020 at about 11.30 am, complainant- Bhuneshwar and others were fishing in Kharun river at Chokroghat by putting fish net. Applicant, who was also fishing little far, has brought his fishing net nearer to net of Bhuneshwar, which was objected by him. Then, applicant abused him and went to his house saying that he will see the injured and also stated that he will kill him. Brother of complainant and other persons after hearing the voice of quarrel, came to the spot. When they went to other place where some persons were loading sand from river, applicant again came there and during the course of talk, has given a blow by means of Baluwa (sharp edged weapon) to Bhuneshwar and also ran after Rajkumar to assault him. Family members of applicant came there to intervene. Complainant lodged report in

concerned Police Station, based upon which crime was registered against applicant.

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

4. Shri AK Prasad, learned counsel for the applicant would submit that incident took place in a spur of moment in a quarrel of fishing. Applicant was not having any intention to cause any injury to anyone. He further submits that injuries are not so serious, hence, applicant may be enlarged on anticipatory bail.

5. On the other hand, Shri Roshan Dubey, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that applicant, after oral quarrel between him and injured, went to his house and from there, he brought a sharp edged weapon and assaulted Bhuneshwar due to which, he suffered serious injuries on vital part of injured, hence he is not entitled for benefit under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of injuries of injured, and allegations, and the manner in which crime has been committed, I do not find it a fit case to enlarge the applicant on anticipatory bail. Accordingly, application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE