

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1160 of 2021**

- Komal Gupta S/o Shri Prabhu Gupta aged about 28 Years Occupation Agriculturist, R/o Village Patratoli, Police Station and Tahsil Darima, District Surguja Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: District Magistrate, Surguja, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Neeraj Mehta, Advocate
For Non-applicant- State	: Mr. Shrikant Kaushik, Panel Lawyer.
For complainant	: Mr. Deverishi Thakur, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****28/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 14/2021 registered at Police Station Darima, District Surguja (C.G.) for the offence punishable under Sections 307, 341, 427, 34 of IPC.
2. Case of the prosecution in brief, is that, on 16.01.2021, at about 10.00 AM, when complainant Vinod Kumar Singh was travelling in Car of Raj Mangal Singh (injured), co-accused Prakash Chand Gupta, Ritesh Gupta and others have obstructed the Car and started making an assault with club, stick etc. In the said incident, Raj Mangal Singh suffered grievous injuries over his head. He was taken to Hospital and incident was reported on the same day to concerned Police Station at about 2.00 PM. Based on the complaint, initially First Information Report was registered against Prakash Chand Gupta,

Ritesh Gupta and others. During the course of investigation, based on supplementary statement of Raj Mangal Singh (injured), present applicant is also involved in the crime.

3. Mr. Neeraj Kumar Mehta, learned counsel for the applicant would submit that applicant was falsely implicated in the case only because applicant is also related to the main accused Prakash Chand Gupta and Ritesh Gupta. He submits that after the incident FIR was lodged by one Vinod Kumar Singh who was accompanied along with injured in the car at the time of accident. In the FIR, name of applicant is not mentioned to be one of assailant who caused injury to Raj Mangal Singh. Based on the supplementary statement recorded under Section 161 of CrPC of the injured, all the family members including the female member have been implicated in the crime. He also pointed out that prior to the alleged incident, injured and other persons entered into the house of Prakash Chand Gupta and assaulted the persons present there and also damaged the property against which Prakash Chand Gupta had lodged a report bearing crime number 16/2021. He submits that even there in no specific allegations against applicant of assaulting injured by means of any arm or weapon, hence, applicant may be enlarged on anticipatory bail.
4. On the other hand, Mr. Shrikant Kaushik, learned State counsel as well as Mr. Deverishi Thakur, learned counsel for complainant opposes the submissions made by learned counsel for the applicant and submit that the accused persons by forming group came in front of vehicle driven by injured, stopped it and after taking out Raj Mangal Singh from the vehicle have assaulted him due to which he suffered severe head injury resulting fracture also, hence, applicant is not

entitled for benefit under Section 438 of CrPC. In support of their contentions, they have read-over the statement of Raj Mangal Singh recorded under Section 161 of CrPC.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, facts and circumstances of the case, statement recorded under Section 161 of CrPC of Raj Mangal Singh wherein name of present applicant is shown but there is no mention as to from which arm/ weapon applicant committed alleged assault upon him, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (14/2021), 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/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
 - (ii) 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;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)

Judge