

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1176 of 2021**

Ambika Prasad S/o Vishwanath Aged About 65 Years R/o
Village - Funga, Police Station Khadgawa, District :
Koriya (Baikunthpur), Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through the Station House Officer,
Police Station Khadgawa, District : Koriya (Baikunthpur),
Chhattisgarh ---- **Respondent**

For the applicant : Ms. Mamta Jaiswal, Advocate.
For the State : Mr. Ravi Bhagat, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****07.10.2021**

1. Apprehending arrest in connection with Crime No. 140/2020 registered at Police Station Khadgawa, District Koriya (C.G) for the offences punishable u/ss 294, 506, 323, 147, 148, 307 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure. This is second bail application. The earlier bail was dismissed on 08.07.2021.
2. As per the prosecution case, a report was made that on 12.06.2020 between 11.00 and 12.00 noon, the applicant along-with other accused came to the field of complainant, hurled abuses and assaulted them by club, hands and fists, as a result of which, complainant Jaikaran sustained injuries on his head. Based on such report, offence has been registered.
3. Learned counsel for the applicant would submit that the

applicant is aged about 65 years and has undergone a surgery because of urine problem and despite surgery, the problem is recurring. He submits that no custodial interrogation would be required, therefore, considering the age and illness of the applicant, he may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. The State Counsel was directed to seek instructions as to the medical condition. Learned State Counsel placed on record the statement of Dr. Y.S. Gaharwar wherein it is stated that the applicant has undergone the urethra operation and was admitted in hospital for two days.
6. Considering the fact that the applicant has undergone urethra surgery and looking to the age and the illness which finds support from the statement of doctor, I am inclined to admit the applicant to anticipatory bail at this stage.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao