

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1192 of 2021**

- Paresh Sondhiya, son of Prayag Sondhiya, aged about 26 years, resident of Deendayal Colony Mangla, P.S. Civil Line, Bilaspur (CG)

---- Applicant**Versus**

- State of Chhattisgarh, Through: The Station House Officer, Police Station Civil Line, Civil and Revenue District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Nitansh Kumar Jaiswal, Advocate.
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****27/9/2021**

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.935/2021 registered at Police Station Civil Line, Bilaspur for commission of offence punishable under Sections 294, 323, 506, 327, 34 of IPC
2. Case of the prosecution, in brief, is that complainant was running shop of cold drink and gutka near Deendayal Colony, Mangla, Bilaspur. On 1.9.2021 applicant along with other persons came to his shop, purchased cold drink, but he refused to make payment. Thereafter applicant and two other persons have made demand of Rs.300/- for consuming liquor to which complainant denied. Upon which applicant and his friends assaulted him and have also threatened him by showing knife. Incident was reported to concerned police station on 6.9.2021 based upon which aforementioned crime is registered against applicant.
3. Mr. Nitansh Kumar Jaiswal, learned counsel for applicant would submit that applicant has not committed any offence as alleged against him. He submits that complainant himself is habitual offender and many criminal cases are registered

against him.

4. Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that specific allegations of demand of Rs.300/-, assault to complainant and further threatening by showing knife, are made, hence applicant is not entitled for benefit under Section 438 of CrPC. However, on putting specific query with regard to registration of crime against complainant, upon seeking instructions he submits that as many as four criminal cases bearing Crime Nos.615/21 dated 27.6.2021; 185/21 dated 10.3.2021; 144/21 dated 10.6.2021 & 100/21 dated 23.9.2021 are registered against complainant in Police Station Civil Lines, Bilaspur. He also submits that in aforementioned crime name of complainant is also mentioned as Sameer Khan alias Janu.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against applicant and the fact that as many as four criminal cases are registered against complainant in between March 2021 & September, 2021, without commenting anything on merits of case, I am inclined to enlarge applicant on anticipatory bail.
7. Accordingly, application filed under Section 438 of CrPC for grant of anticipatory bail is allowed. 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 Arresting Officer. Applicant shall also abide by following conditions :
 - (i) that he shall make himself available for interrogation before 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 case so as to dissuade him /her from disclosing such facts to the Court or to 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.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-