

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1240 of 2021**

- Priyansh Singh Chauhan, S/o Yogesh Singh Thakur, aged 23 years, R/o A-28, Phase-3, Capital City, Raipur (CG)

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station Vidhan Sabha, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. Rajeev Shrivastava, Sr. Advocate assisted by Mr. S. Sahu, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****05/10/2021**

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.84/2021 registered at Police Station Vidhan Sabha, Raipur (CG) for commission of offence punishable under Sections 294, 323, 326, 506 of IPC.
2. Case of prosecution, in brief, is that in the afternoon of 28.2.2021 a quarrel took place between applicant and some other persons near Petrol Pump, Saddu. Complainant, who was also present there, did not intervene in that quarrel. Due to this, on the same day at about 3:30-4:00 p.m. near Bazar Chowk, Saddu, applicant filthily abused complainant and saying as to why he did not intervene in quarrel of applicant with others, assaulted him by means of club and sharp edged weapon as a result complainant sustained injuries on his shoulder, thigh and fingers. Complainant was immediately taken to hospital. On the basis of report lodged by complainant, initially FIR is registered against applicant under Sections 294, 323 & 506 of IPC. Subsequently, looking to nature of injuries caused to complainant by sharp edged weapon, offence under Section 326 of IPC was also added.
3. Mr. Rajeev Shrivastava, learned Senior Counsel for applicant

would submit that applicant has not caused any injury by means of sharp edged weapon nor complainant suffered any injury on any of his vital parts. He submits that even as per report, some dispute took place between complainant and applicant on 28.2.2021, immediately after incident, complainant was taken to hospital, matter was reported to police but FIR was registered only on 2.3.2021 for the offence punishable under Sections 294, 323, 506 of IPC. As mother of complainant is working as Peon in the office of Chhattisgarh Legislative Assembly, under pressure offence under Section 326 of IPC is also added to make crime more graver. Applicant is only 23 years old, hence he may be enlarged on anticipatory bail.

4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned Senior Counsel for applicant and submits that looking to nature of injuries suffered by complainant, offence under Section 326 of IPC was added subsequently. Referring to MLC report, he submits that injured suffered dislocation of shoulder and multiple lacerated wounds on right middle & ring fingers. On putting a specific query with respect to injuries suffered by complainant, he submits that applicant suffered injuries over his shoulder and fingers only.
5. I have heard learned counsel for the parties.
6. Taking into consideration nature of allegations levelled against applicant; contents of FIR in which it is mentioned that immediately after incident, injured was taken to hospital, police was intimated based upon which FIR for commission of offence under Sections 294, 323 & 506 of IPC was registered only on 2.3.2021 and further considering age of applicant i.e. 23 years, 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/-