

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1237 of 2021**

- Raj Singh Thakur, S/o Late Rudra Pratap Singh Thakur, aged about 20 years, R/o village Newari, Outpost Malhar, Police Station Masturi, District Bilaspur (CG)

---- Applicant**Versus**

- State of Chhattisgarh, Through: Outpost Malhar, Police Station Masturi, District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Hemant Kesharwani, Advocate.
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.

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.518/2020 registered at Police Outpost Malhar, Police Station Masturi, District Bilaspur (CG) for commission of offence punishable under Sections 294, 506 Part-II, 307 of IPC.
2. Case of prosecution, in brief, is that on 29.11.2020 when complainant demanded back his money from applicant which he borrowed from complainant, applicant started abusing and assaulting him and caused grievous head injury. Incident was reported to concerned police station based upon which FIR is registered against applicant.
3. Mr. Hemant Kesharwani, learned counsel for applicant would submit that complainant himself came to the house of applicant, demanded back loan amount advanced by him to applicant, when applicant showed his inability to return back loan amount, complainant started abusing and assaulting applicant as a result he sustained injuries on his eye apart from other parts of body as appearing from photographs. He submits that in a free fight complainant also sustained injuries but applicant has no intention to cause nature of injuries as

suffered by complainant and it was in self-defence. He also submits that applicant also went to police station for lodging report of incident but police did not lodge his report, therefore, on 3.12.2020 a written complaint by mother of applicant was submitted to the Superintendent of Police, Bilaspur, which is placed on record as Annexure A-3.

4. Mr. Sudhir Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that complainant suffered severe head injury, he took treatment as inpatient for about eight days, hence applicant is not entitled to benefit of anticipatory bail. Upon asking about the evidence available in case diary, he submits that apart from statements of injured and his son, statement of other witnesses is not available in case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration nature of allegations levelled against applicant; documents placed on record, particularly copy of application dated 3.12.2020 submitted before Superintendent of Police, Bilaspur by mother of applicant in respect of same incident, and materials available in case diary, 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/-