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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No.1250 of 2021**

- Bhavesh Sahu, Son of Tamradhwaj Sahu, aged about 19 years, Occupation Student, resident of village & police station Somni, Tahsil & District Rajnandgaon (CG)

---- Applicant**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station Somni, District Rajnandgaon (CG)

---- Non-applicant

For Applicant	:	Mr. Gautam Khetrapal, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer
For Objector	:	Mr. Rahul Tamaskar & Mrs. Madhu Nisha Singh, Advocates.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****06/10/2021**

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.138/2021 registered at Police Station Somni, District Rajnandgaon (CG) for commission of offence punishable under Sections 307, 294, 506 of IPC.
2. Case of prosecution, in brief, is that shops of complainant Mukesh Jain and applicant are situated adjacent to each other. There is open place in front of their shops. On the date of incident, applicant parked his motor car in that open place, which was objected by complainant. This led to exchange of hot words between them followed by fight whereupon applicant assaulted on head of complainant by means of iron rod. Incident was reported to concerned police station on the same day, based on which FIR is registered against applicant.
3. Mr. Gautam Khetrapal, learned counsel for applicant would submit that incident occurred suddenly due to trivial dispute of parking of motor car. There was no intention or pre-planning on the part of applicant to cause injury to complainant as suffered by him. When mother of applicant intervened in fight between applicant and complainant, she was not only

assaulted but an attempt was also made by complainant to outrage her modesty regarding which report was lodged by applicant on the same day based upon which Crime bearing No.139/2021 is registered against complainant and others. He submits that nature of injuries suffered by complainant are not grievous as observed by Court below in bail rejection order dated 21.9.2021. As per MLC report, complainant received only one lacerated wound on his head. Hence, applicant may be extended benefit of anticipatory bail.

4. Mr. Vaibhav Singh, learned State Counsel opposes submissions made by learned Senior Counsel for applicant and submits that there are specific allegations in FIR that at the time of incident applicant was carrying iron rod, when complainant objected to parking of motor car by applicant in open place, applicant gave iron rod blow on head of complainant as a result he suffered lacerated wound on his head. He submits that complainant was sent for CT Scan and x-ray examination of chest, but report of the same is not available in case diary.
5. Mr. Rahul Tamaskar, learned counsel for Objector would submit that from contents of FIR itself it is clear that applicant with intention to cause grievous injuries to complainant gave iron rod blow on his head. Complainant was immediately taken to Government Medical College Hospital, Rajnandgaon from where he was referred to higher hospital for better treatment and accordingly, he was taken to a hospital for treatment. Complainant suffered grievous injury on his occipital region and in support thereof learned counsel referred to photographs annexed along with objection filed. He further submits that report lodged by applicant is an afterthought with intent to save himself from crime in question.
6. I have heard learned counsel for the parties.
7. Taking into consideration nature of allegations; cause of

dispute between the parties i.e. parking of vehicle in morning at about 9:30 a.m.; registration of FIR and counter FIR against each other, particularly of applicant making allegation of attempt to outrage modesty of his mother, without commenting anything on merits of case, I am inclined to enlarge applicant on anticipatory bail.

8. 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/-