

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1314 of 2021

- Saiyyad Mohammad Raza S/o Saiyyad Ameen Aged About 19 Years R/o Near Maszid Nayapara Raipur, District Raipur Chhattisgarh. ---- **Applicant**

Versus

- State Of Chhattisgarh Through Police Station Telibandha, District Raipur Chhattisgarh. ---- **Respondent**

For Applicant	: Shri Vikas Shrivastava, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

21.12.2021

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 325 of 2021 registered at Police Station- Telibandha, District- Raipur, Chhattisgarh for commission of offense punishable under Sections 294, 324, 506B, 147, 148, 149 of the IPC and 25 and 27 of Arms Act.
2. Case of the prosecution, in brief, is that, on 22.08.2021 at about 10 pm Ishak Ali along with his friends was taking some snacks and food in his car, when he tried to come out of his car, his shirt got tore. Somehow, after covering tore shirt, when he was going away, other boys /persons present in front of Mogli restaurant started commenting upon him. It turned into exchange of words and thereafter, other persons standing in front of restaurant have assaulted Ishak Ali and also by means of knife on his back. Incident was reported to concerned Police Station, based upon which crime has been registered against 8 persons including applicant.
3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Vikas Shrivastava, learned counsel for the applicant submits that as per allegations levelled against applicant, in the report it is mentioned that applicant along with other friends went to restaurant not to quarrel or to assault the injured or his friends, but they were taking snacks near restaurant. He submits that there is no allegation or assault by means of knife upon applicant. Seven other co-accused persons were arrested by police and knife was seized from possession of one Mohd Abujar. All seven persons were enlarged on bail by the Sessions Court. There is no specific allegation against applicant with regard to his participation in commission of crime. Applicant is aged about 19 years only and is working in Pathology Laboratory at Raipur. Hence, he may be released on bail.

5. On the other hand, Shri Sudhir Sahu, learned State counsel opposing the submissions of learned counsel for the applicant, submits that applicant were present near the restaurant, where injured along with other friends was taking snacks from restaurant. Applicant and others have assaulted injured Ishak Ali and one of the assailants has also caused stab injury on the back of Ishak Ali. Applicant was present on the spot as stated by Chandrabhushan Banjare, witness to the incident. Hence applicant is not entitled for anticipatory bail. However, upon asking with regard to allegation of causing knife injury, learned State counsel submits that after arrest of Mohd Abujar, knife has been seized from his possession. Upon asking learned State counsel with respect to allegation against applicant of his participation available in case diary, he submits that there is no specific mention of applicant's participation in commission of crime. But, in his statement as well as in complaint, allegation is that all accused persons have assaulted the injured.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations, manner in which quarrel and alleged assault took place, there is no allegation that applicant and other co-accused persons came to the spot with an intention to cause injury and to assault Ishak Ali or his friends, age of applicant to be only 19 years, other co-accused persons have already been enlarged on regular bail and knife has been seized from co-accused Mohd Abujar, without commenting anything on merit, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of applicant in connection with the 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 concerned Investigating Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the applicant 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 from disclosing such facts to the Court or to any Police Officer;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE