

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.8273 of 2021**

- Ashwani Kumar Joshi, son of Shri Jassi Lal Joshi, aged about 32 years, R/o Village Dokarabhatha, Police Station Chhuikhadan, District Rajnandgaon (CG)

---- Applicant (On Parole)**Versus**

- State of Chhattisgarh, through the Station House Officer, Police Station Chhuikhadan, District Rajnandgaon (CG)

....Non-applicant

For Applicant	:	Mr. Shikhar Sharma, Advocate.
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****10.12.2021**

1. This is first application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant in connection with Crime No.150/21 registered at Police Station Chhuikhadan, District Rajnandgaon (CG) for commission of offence punishable under Sections 294, 353, 506, 323 of IPC.
2. Case of prosecution is that on 14.7.2021 applicant came to office of Service Co-operative Society Maryadit (Registration No.82), Dokarabhata; quarrelled with complainant, who is working as Society Manager, saying as to why he removed him from work and assaulted him by hands and fists. Incident was reported to concerned police station based upon which aforementioned crime is registered against applicant and he was arrested on 26.8.2021.
3. Mr. Shikhar Sharma, learned counsel for applicant would submit that applicant is a poor person doing labour work in Society. Complainant not only removed applicant from work but also not paid wages to him for last 14 months. Aggrieved by action of complainant, applicant only raised his grievance in the office of Society, he has not physically manhandled complainant. A false report is lodged by complainant.

Applicant is presently on parole, there is no other criminal antecedent against applicant, hence he may be enlarged on regular bail.

4. Per contra, Mr. Sudhir Sahu, learned Panel Lawyer for the State opposes submissions of learned counsel for applicant and submits that there is specific allegation of quarrelling with complainant in the office of Society and assaulting him. There are three eyewitnesses to incident in presence of whom incident took place. However, on putting specific query with regard to criminal antecedents of applicant, he submits that there is no mention of any criminal antecedent against applicant in case diary.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case, nature of allegations and the fact that there is no other criminal antecedent against applicant, as submitted by learned State Counsel, without commenting anything on merits of case, I am inclined to enlarge applicant on regular bail. Accordingly, bail application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to satisfaction of trial Court concerned on the conditions that;
 - a) he shall appear before the trial Court concerned regularly on each & every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with prosecution witnesses.
 - c) If applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-