

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1494 of 2021

- Akash Sahu S/o Tijauram Sahu Aged About 30 Years R/o Village Lingiyadih, Near Apollo Hospital, Bilaspur Tahsil And District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sargaon, Civil And Revenue District Mungeli Chhattisgarh ---- Respondent

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

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

17.12.2021

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. 234 of 2021 registered at Police Station- Sargaon, District Mungeli, Chhattisgarh for commission of offense punishable under Sections 147, 452, 294, 506 and 323 of the IPC.
2. Case of the prosecution, in brief, is that, on 05.11.2021 at about 7.30 pm, applicant along with other four co-accused persons entered into the house of complainant, they abused and assaulted them. Incident was reported to concerned Police Station on the same day at about 11.36 pm in the night. Based on report, aforementioned crime is registered against applicant along with other co-accused persons.
3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri BL Sahu, learned counsel for the applicant would submit that date on which the incident took place is the eve of '*Goverdhan Puja*', ie the next day of Diwali. *Goverdhan Puja* is a festive celebration in villages of Chhattisgarh. On the said day, Shailendra Sahu, Operator in Electricity Department was returning to his house from his work from village Sargaon to Khapri. When he reached near house of Pawan Rajput, at that relevant time, Sanjay Rajput, Sandeep Rajput, Bhop Singh Rajput, and Sarju Rajput stopped him, abused and assaulted him by means of clubs, due to which he suffered grievous injuries over his head. Photographs of injuries suffered by him have been annexed along with covering memo. When other family members after coming to know the incident reached on the spot and tried to intervene, accused persons therein in FIR- 233 of 2021 took the applicant and other persons inside the house, closed the door and they also assaulted. Allegations levelled against applicant and other co-accused persons of assaulting Bhop Singh is not correct. He has not suffered any injury. Copy of FIR lodged by Smt Seema Sahu, wife of injured Shailendra Sahu is annexed along with application. After lodging of complaint by Seema Sahu, other party lodged false and fabricated complaint against applicant and his family members. Applicant is working as Constable in Police Department, brother of injured, hence, he may be enlarged on anticipatory bail.

5. On the other hand, Shri Sudhir Sahu, learned State counsel opposing the submissions of learned counsel for the applicant, submits that in FIR, allegations levelled against applicant and other family members are that they entered into the house of complainant, and assaulted them. Bhop Singh suffered injury over his leg. Hence applicant is not entitled for anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations, the fact that FIR No.233 of 2021 registered on complaint of wife of brother of applicant against Sanjay Rajput, Sandeep Rajput, Sarju Rajput and Bhop Singh is the prior one, Mithila Rajput, mother of Sanjay Rajput lodged report later on, and photographs annexed along with bail application would show that brother of applicant suffered grievous injuries on his head, there is counter case and applicant is a government servant, I find it a fit case 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