

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. (A) No. 244 of 2024**

Junaid Saudagar, S/o Mahammad Zakir, Aged about 23 years, R/o-
Village – Masid Mohalla, Ward No. 07 Akaltara, P.S. & Tahsil –
Akaltara, Dist- Janjgir-Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : S.H.O. P.S. Akaltara, Dist.- Janjgir-
Champa (C.G.)

----non-applicant

For Applicant	: Mr. Ravindra Sharma, Advocate.
For Non-applicant	: Mr. Sachindanand Sahu, Panel Lawyer

Hon'ble Mr. Justice Naresh Kumar Chandravanshi

Order On Board

28-03-2024

Heard.

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 33/2024 registered at police station Janjgir-Champa (C.G.) for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 12.01.2024 at about 11 pm, complainant – Mayank Agrawal went to search his brothers, as he was informed that some persons are quarreling with his brothers namely Rajat Agrawal, Yash Agrawal & Vivek Agrawal and when complainant reached near Gurughashidas Chowk, Akaltara, then applicant and other co-accused

persons namely Jishan @ Kunal Saudagar, Juned Saudagar and Tarun Agrawal stopped him, abused him in filthy language, assaulted him and threatened to kill him and also looted Rs.6,700/- from his pocket, when complainant fled away, then accused persons also chased him, as a result thereof, he fell, thereafter present applicant assaulted him by belt, as a result thereof, he sustained injuries on his head and teeth. Based on above facts, present crime has been registered against the applicant.

3. Learned counsel appearing for the applicant would submit that there was free fight between complainant side and the applicant side, due to which, applicant also sustained injuries on his head, therefore, he was admitted in the CIMS Hospital, Bilaspur on 13.01.2024. It is further submitted that one FIR bearing Crime No. 32/2024 was lodged by Rajat Agrawal, who is brother of complainant, against the applicant & other co-accused persons and counter FIR has also been lodged by present applicant bearing Crime No. 34/2024 against Rajat Agrawal, Mayank Agrawal Yash & Kanha Agrawal, hence, considering the aforesaid facts, applicant may be extended the benefit of anticipatory bail.

4. Per contra, learned counsel for the State while vehemently opposing the bail application filed by the applicant would submit that there is one previous criminal antecedent against the applicant bearing Crime No. 251/2021 for commission of offence under Sections 147, 294, 506 & 323 of the IPC, hence, the applicant is not entitled for grant of anticipatory bail.

5. I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

6. Having heard learned counsel for the parties, having regard to the facts & circumstances of the case, particularly the nature of allegation made against the applicant; and the manner in which, alleged offence of *marpeet* is said to have been committed by the applicant along with other co-accused persons with the complainant, I do not feel inclined to allow the anticipatory bail application filed by the applicant. Hence, the same is dismissed.

Sd/-

(Naresh Kumar Chandravanshi)
Judge

Amit/-

