

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1124 of 2015

Yogesh Dutt S/o Vyasnarayan Aged About 19 Years R/o Qtr. No. 1-
C Street No. 9, Sector 8, Bhilai, Police Station Bhilai Nagar, Tahsil &
District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Out Post Incharge Smriti Nagar,
Police Station Supela, Bhilai, District - Durg Chhattisgarh

---- Respondent

For applicants – Shri H.B. Agrawal, Sr. Advocate with Smt. Preeti Yadav,
Advocate.

For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.557 of 2015, registered at Police Station Supela, District Durg (C.G.) for offence punishable under Section 394 of IPC.
2. According to the case of prosecution complainant Shashank Verma made complaint on 8/08/2015 that when he was standing near Surya Maal, Smriti Nagar, Bhilai he was asked to bring cigarette which was refused by the complainant and therefore he was beaten by applicant, Amit Joshi, Anil Chouhan and thereafter Rs.1500/- was snatched from the pocket of the complainant and thereby offence was committed.
3. Learned counsel for the applicant submits that applicant is suffering from neurological disorder and he has not been named in the FIR and

charge sheet is filed against one Yogesh Bavda but this applicant is apprehending arrest, therefore applicant may be extended benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that charge sheet in this case has been filed and applicant is absconding and submits that he has been named in the FIR.

5. I have gone through the charge sheet wherein this Yogesh Dutt @ Yogesh Bavda has been named and he is been absconding. Taking into fact that charge sheet has been filed, it is for the applicant to prove that he is not Yogesh Bavda who has been named in the FIR and taking into totality and considering the other facts, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE