

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1227 of 2015

Bandhu @ Nand Kumar Janghel S/o Jeetu Janghel Aged About 42
Years Profession Business, R/o Opp. Pandri Mandi Gate, P.S.
Devendra Nagar, Civ. & Rev. Distt. Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Devendra Nagar, Civ. & Rev. Distt.
Raipur, Chhattisgarh.

---- Respondent

For applicant – Shri J.K. Gupta, Advocate appears on behalf of Shri
Devershi Thakur, Advocate.

For Respondent/State – Shri Sameer Behar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.117 of 2015, registered at Police Station Devendra Nagar, Dist. Raipur (C.G.) for offence punishable under Section 294, 506, 323, 147, 149, 341, 306 of IPC.
2. According to the case of prosecution deceased Dharnidhar Pratap Singh has dashed scooty of the present applicant for which he was assaulted along with his brother and he was threatened to be beaten.
3. Learned counsel for the applicant submits that it is not a case of abatement as would fall under section 107 of IPC as the applicant was not known to the deceased, therefore case under Section 306 IPC and other sections are not made out, therefore applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the case diary. Case diary contains dying declaration of the deceased Dharnidhar wherein categorically it has been named because of the assault made on the deceased i.e. by applicant he is committing suicide and he is liable along with his other friends. Taking into statement of the other witnesses also way the incident happened as the applicant has been directly named in the dying declaration, 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