

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1280 of 2015

1. Ajit Kumar S/o Shri Dhaniram Gayakwad Aged About 26 Years R/o Village Pendri, Police Station Suhela, District Baloda Bazar Bhatapara Chhattisgarh.
 2. Tukesh S/o Shri Lekhram Gayakwad Aged About 33 Years R/o Village Pendri, Police Station Suhela, District Baloda Bazar Bhatapara Chhattisgarh.
 3. Jitendra S/o Shri Dhaniram Gayakwad Aged About 28 Years R/o Village Pendri, Police Station Suhela, District Baloda Bazar Bhatapara Chhattisgarh.
- Petitioners**

Vs.

- State of Chhattisgarh through Police Station Suhela, District Baloda Bazar Chhattisgarh.
- Respondent**

For the applicants : Mr. Yogeshwar Sharma, Advocate.

For the Respondent : Mr. Anil S. Pandey, Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.12.2015

1. Apprehending arrest in connection with Crime No.142/2015 registered at P.S., Suhela, District Baloda Bazar, for the offences punishable u/ss 294, 506-B, 323, 436, 34 IPC, the applicant has filed this application u/s 438 Cr.P.C.
2. As per the prosecution case, on 12.11.2015 the complainant was dealing with his customers in his shop where his son Rajesh was also sitting to assist his father. At about 5.30 p.m., the accused applicants Ajit Tuleshwar Gayakwad, Ajit Gayakwad and Jitendra Gayakwad came to the shop of complainant and asked for a Cigarette on credit. When they refused to give cigarette on credit, the accused abused complainant and his son and started beating them. It is alleged that accused Jitendra caused assault by lathi whereby the complainant sustained head injury whereas Tulsi assaulted by hands and fists and

Ajit caused assault by blade. When the brother of complainant came to their rescue, he was also assaulted and abused by the accused. Out of fear, the complainant and his son Rajesh ran away from the shop and at that time, all the three accused set ablaze the shop of complainant, thereby caused loss of Rs.81,000/-.

3. Learned counsel for the applicants submits that earlier Tularam tried to outrage the modesty of their lady family members namely Ahilya Bai and Rukmani which was objected by them and thereafter because of that incident, the quarrel took place. He further submits that initially the report was made by the applicants and thereafter the report was made by the complainant.
4. I have perused the case diary and the statements. After perusal of the case diary statements and considering the gravity of offence and the degree of allegations levelled against them and the way in which the offence committed, I am not inclined to extend the benefit of provisions of Section 438 Cr.P.C. Accordingly, the bail application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**