

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1053 of 2015

1. Manmohan, aged about 28 years, S/o. Lacchiram Dewangan, R/o. Village Sivni, P.S. Champa, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. The State Of Chhattisgarh, Through : District Magistrate, Through : Police Station - Champa, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicants : Mr. Sumit Singh, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.279/2015 registered at Police Station- Champa, District – Janjgir-Champa (C.G.), for offence punishable under Section 307/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on the date of incident, Manmohan and Pramod consumed some liquor and thereafter left the scene and called the Pramod and at the instance of Manmohan, the present applicant, Pramod has assaulted the victim, Govinda Dewangan by means of knife.
3. Learned counsel for the applicant submits that the applicant has totally falsely implicated in this case and actually the incident has been done by Pramod and it is highly improbable that the applicant, Manmohan

had called Pramod and at the instance of the applicant, Manmohan, he has assaulted the victim, therefore, no case is made out against the applicant, therefore, the applicant may be released on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. I have gone through the case diary. Perusal of the case diary would reveal that investigation is going on. Perusal of the statement of the Govinda Dewangan, wherein he has stated that Pramod was asked to assault him, therefore, he assaulted, the victim. The background of the incident as stated that they had borrowed Rs.13,000/- from the victim, which was asked to be repaid by the victim, consequently, the incident happened. Taking into the statement of the victim and the fact that other evidence is available on record as the matter is still under investigation I am not inclined to grant anticipatory bail to the applicant. Perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge