

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 891 of 2015

Ajay Shahani S/o Late Babulal Shahani Aged About 22 Years
Occupation - Businessman, R/o Jarahabhata Near Jatiya Talab
Jarahabhata Bilaspur, P. S. Civil Line, Bilaspur, Tahsil, Civil &
Revenue District Bilaspur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Its Police Station Incharge Hirri,
District Bilaspur (Chhattisgarh).

---- Respondent

For applicant – Shri Suresh Kumar Pandey, Advocate.
For Respondent/State – Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.58/2015, registered at Police Station Hirri, Bilaspur (C.G.) for offence punishable under Section 341, 294, 323, 506, 307, 34 of IPC.
2. As per the prosecution case, on 30/05/2015 at about 9.30 a quarrel took place between Ashish Shahani and the applicant Ajay Shahani. As Ashish Shahani and the applicant were quarreling, one Durgesh tried to intervene in the quarrel wherein he was assaulted by way of knife on his chest and abdomen.
3. Learned counsel for the applicant submits that because of the previous enmity applicant has been inculpated and he was wrongly roped in by false allegations. He further submits that nothing has been done by the applicant and false implications have been made, therefore applicant

is entitled for grant of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary shows that victim Durgesh was assaulted by way of knife on his chest and abdomen by the applicant and investigation is still going on. On considering prima facie evidence, statement and the medical evidence which is available in the case diary, it cannot be stated that no case is made out. Considering the facts, I am of opinion it is not a case where custodial interrogation may not be required. In the facts of this case, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE