

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1054 /2015

1. Gouribai, W/o. Lovkumar Kashyap, Aged About 40 Years.
2. Sumitra, W/o. Santosh Kashyap, Aged About 36 Years.

Both R/o. Budena, P.S. & Tahsil Navagarh, District Janjgir-Champa (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh, Through: District Magistrate, Through Police Station Champa, District Janjgir-Champa (Chhattisgarh).

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.158/2015 registered at Police Station- Navagarh, District Janjgir-Champa (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506, 323, 307 of the Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case the complainant Vijay Kumar Kashyap lodged an FIR on 06.08.2015 alleging that when he was standing outside the house, the applicants alongwith others came there and formed an unlawful assembly, which was objected to by the complainant and thereby the complainant was beaten severely. Thereafter, the report was made.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, as there is no overt act nor any seizure has been made till date. He further submits that only on the

political rivalry the applicants have been inculpated, therefore, they may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the nature of allegation made by the complainant and further considering the document so far collected in the case diary and taking into the fact that the investigation is still going on, I am not inclined to grant anticipatory bail to the applicants, as 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.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge