

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1098 of 2015

Keshav Yadav S/o Tulsi Ram Yadav Aged About 39 Years R/o Village Bamhu, Police Station Sipat, Civil And Rev. Distt. Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sipat, Civil And Rev. Distt. Bilaspur Chhattisgarh.

---- Respondent

For applicant – Shri Devesh G. Kela, Advocate.

For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.216 of 2015, registered at Police Station Sipat, Dist. Bilaspur (C.G.) for offence punishable under Section 307 of IPC and 3 (1)(X) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. According to the case of prosecution on 26/09/2015 the brother of the applicant on the basis of previous enmity which was existing with the complainant Narendra Kumar tried to run over him by his truck and dashed his motorcycle and thereafter assaulted by way of jack, rod on the head of the complainant. According to the prosecution the incident was out burst of a earlier incident wherein this applicant who is Up- Sarpanch of village Bamhu had enmity with the aunt of the complainant Jyoti Bai and before three days of the incident on 26/09/2015 applicant has abused the workers who were constructing some bathroom and such construction

was got stopped and further abused in the name of caste.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in this case and the actual incident if at all has been made it was made by brother of the applicant wherein it is alleged that he tried to run over the complainant by the truck. Learned counsel submits that in any case for this alleged act this applicant cannot be held responsible, therefore he may be granted anticipatory bail.

4. Learned State counsel opposes the bail and submits that name of the applicant is also included in the FIR that in the name of caste Sarpanch Jyoti Bai was abused and the intention can be gathered from that.

5. Having considered the case diary and the FIR name of applicant is narrated, I am not inclined to extend benefit of anticipatory bail to the applicant as it is not felt that custodial interrogation may not be required in the case.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE