

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1141 of 2015

Manish Rathore, son of Shri Mevalal Rathore, aged about 35 years,
resident of CSEB Colony, Korba (East), P.S. & Tahsil Korba, District
Korba (CG) **--- Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station
Darri Korba District Korba **--- Respondent**

For the applicant : Mr. I.S. Sahu, Advocate.

For the Respondent : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.11.2015

1. Apprehending arrest in connection with Crime No. 94/2014 registered at Police Station Darri, Distt. Korba, Chhattisgarh for the offences punishable u/ss 307, 294 & 329 of IPC, the applicant has filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, the complainant Rajendra Pateria on 15.05.2014 lodged a report that he and one Vikas Singh went to inspect the repairing work of a canal. While he was standing there, the applicant came there and demanded money of Rs.25 lakhs and on being refused, he assaulted the complainant by way of knife and due to excessive bleeding, he fell down and thereafter, he was admitted in hospital. On such report, a case was registered and the applicant was arrested.
3. Learned counsel for the applicant submits that actually the applicant was assaulted by the complainant, therefore, he has been falsely implicated in this case.
4. Per contra, learned State Counsel opposes the bail and submits that as per the report, the applicant has been declared absconding and in

his absence the formalities have been completed and therefore, he is not entitled to the benefit of provision of Section 438 Cr.P.C. He further submits that the applicant is also required in another case arising out of crime No.86/2015.

5. I have perused the case diary and the documents.
6. Taking into the evidence available in the case diary and considering the fact that the applicant is absconding, I am of the opinion that it is not a case to hold that no offence is committed by the applicant. Accordingly, the application is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao