

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 1190 of 2015

Rajendra Kumar Verma S/o.- Shri Gendlal Verma, aged About 28 Years, R/o Village Arjuni, Police Station- Bhatapara (Gramin) Distt. Baloda Bazar (Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh Through – Station House Officer, Police Station – Bhatapara (Gramin) Distt. Baloda Bazar (Chhattisgarh)

---- Respondent

For Applicant	:-	Ms. Fouzia Mirza, Advocate.
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer
For Objector	:-	Mr. Akhilesh Kumar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 232/2015, registered at Police Station – Bhatapara (Gramin), District – Baloda Bazar (C.G.) for offence punishable under Sections 307, 325 of IPC.

2. As per the prosecution case, in brief, on 29.09.2015, the altercation took place between the applicant and the son of complainant Anil Vaishnav namely Ishan Vaishnav. Since he was doing some job wherein Rajendra Kumar Verma also reached there and abused the son of complainant and he called his father. Thereafter the complainant reached there and an altercation took place between them for such employment. The applicant asked to his driver to run the JCB over the complainant and the driver run the vehicle over the complainant on account of which he sustained injuries.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. She further submits that on 01.10.2015 as per istgasa the offence under section 151/107/116(3) was registered because of simple dispute between them and the applicant contended that his JCB vehicle are being used in FCI godown.

4. Counsel for the applicant submitted further that the JCB vehicle of the applicant went to FCI godown for procuring cement which was objected by Anil Vaishnav for which the altercation took place. Thereafter, the applicant asked his driver to take away his vehicle out of FCI godown, at that time the accident happened. It is further submitted that earlier on the same incident the case was registered against the applicant for the offence punishable under section 279,337,427,506B,34 of IPC of which the applicant and his driver both were granted bail and after the investigation, offence under sections 307 and 325 of IPC was added; therefore, he may be given the benefit of anticipatory bail.

5. State counsel as well as counsel for the objector opposes the prayer for grant of anticipatory bail and submits that as per the statement of witness Arjun Yadav the applicant asked to his driver to run the JCB over the complainant. Counsel for the objector further submits that the applicant has extended the threat to the witness and the matter is being investigated, therefore, the applicant should not be given the benefit of anticipatory bail.

5. I have gone through the case diary. Perusal of the case diary shows that the reports are made by the complainant that witness are being threatened by the applicant and the matter is being investigated. Considering the degree of allegation and this manner of commission of crime. I am not inclined to grant anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh