

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1023 of 2015

1. Anas Khilchi S/o Nasruddin Khilchi Aged About 24 Years R/o Chameli Chowk, Near Badi Masjid, Dhamtari, P.S., Tehsil, Civil & Revenue District Dhamtari (Chhattisgarh).
2. Lakki @ Akhtar Raza S/o Nasruddin Khilchi Aged About 26 Years R/o Chameli Chowk, Near Badi Masjid, Dhamtari, P.S., Tehsil, Civil & Revenue District Dhamtari (Chhattisgarh).
3. Salauddin S/o Lateef Khan Aged About 25 Years R/o Chameli Chowk, Near Badi Masjid, Dhamtari, P.S., Tehsil, Civil & Revenue District Dhamtari (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through P.S. City Kotwali, Dhamtari, District Dhamtari (Chhattisgarh).

---- Respondent

For applicants – Shri Adil Minhaj, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/10/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.191/2015, registered at Police Station City Kotwali, Dhamtari, Distt. Dhamtari, Distt. Dhamtari (C.G.) for offence punishable under Section 147, 294, 323, 506B, 307 of IPC.
2. As per the prosecution case, complainant Ranu Daga lodged a report on 8/07/2015 at about 8 p.m. That communal tension arose at Dhamtari between two communities and Section 144 Cr.P.C. was imposed. Subsequently, he was assaulted by Anas Khilchi applicant No.1

along with him other persons were also present.

3. Learned counsel for the applicant submits that subsequently during the trial Ranu Daga has filed an affidavit whereby he stated that he has not seen who had actually assaulted and do not want to prosecute the cause. He further submits that according to MLC, injury is simple in nature, therefore case would not fall under 307 of IPC.

4. Learned State counsel opposes the prayer for grant of bail and submits that five persons have been named in the FIR.

5. Considering the nature of offence made at this stage while considering bail application under Section 438 of Cr.P.C. opinion cannot be given about intention with respect to section 307 of IPC and very filing of the affidavit itself would show that in case applicants are enlarged on anticipatory bail then it will lead to tampering of evidence. Considering the fact that applicants are absconding, I am not inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE