

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 114 /2016

Tirath Ram Naik, S/o. Dubraj Singh Naik, Aged About 55 Years, R/o. Village Deogaon, Tahsil Baramkela, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Saria, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Chitranjay Singh Patel, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/02/2016

1. Apprehending arrest in connection with Crime No.85/2015 registered at Police Station- Saria, District Raigarh (C.G.) for the offence punishable under Section 498A, 323, 506 of I.P.C., the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant was married to the complainant Smt. Deo Kumari, 24 years back and a report was made on 22.06.2015 that from the year 2012-13 she was subjected to physical and mental cruelty and she was assaulted on her head by wooden bar.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that only a trivial dispute arose in between the husband and wife and therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the medical report also. The medical report shows that lacerated incised wound was caused in the parietal region and the charge sheet has been filed and the applicant is still absconding. Taking into fact that the applicant is still absconding, I am not inclined to enlarge the applicant on anticipatory bail, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge