

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 315 of 2016

1. Ram Kumar, S/o. Ganpat Lal Gabel, aged about 48 years, R/o. Village-Dongia, Thana/Tahsil Malkharoda, District-Janjgir-Champa (C.G.)
2. Rewant Gabel, S/o. Jagdish, aged about 33 years, R/o. Village-Bundeli, Thana/Tahsil Malkharoda, District-Janjgir-Champa (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station (Ajak), Janjgir, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicants	: Mr. Ashok Verma, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/04/2016

1. Apprehending arrest in connection with Crime No.4/2016, registered at Police Station- Janjgir (Ajak), District – Janjgir-Champa (C.G.), for offence punishable under Section 294, 506, 323, 354, 385/34 of the Indian Penal Code and Section 3 (1) (11) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 25.02.2016 the complainant made a report that for no confidence motion, the complainant was called in the office and the applicant No.1 demanded Rs.4.00 lakhs to dilute the no confidence motion and on being refused, she was abused in the name of caste and was also assaulted and thereby the offence has been committed.

3. Learned counsel for the applicants would submit that, the applicants have been falsely implicated in this case as the incident has occurred because of the fact that no confidence motion was already moved against the complainant on 23.02.2016 as per Annexure A/2 and further report was called for by the SDO on 24.02.2016. He further submits that place of incident would be important and there had been any demand of amount of Rs.4.00 lakhs, the applicants would not have called the complainant to the office and due to political rivalry, the false implication has been made. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement. Perusal of the case diary shows that the applicants are absconding and reward for an amount of Rs.5,000/- has been announced over the accused that whosoever gives any information of accused, they would be rewarded. The proclamation also contains the photographs of accused, which are part of case diary. Considering such facts and the FIR, it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicants.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge