

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 581 /2016

Rameshwar @ Ramesh, S/o. Bagasram, Aged About 35 Years, R/o. Keslikhurd, Police Station - Kunda, Tahsil - Pandaria, Civil & Revenue District – Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Kabirdham, Chhattisgarh

---- Respondent

For Applicant : Mr. Yogeshwar Sharma, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/08/2016

1. Apprehending arrest in connection with Crime No.57/2016 registered at Police Station- Kunda, District Kabirdham (C.G.) for the offence punishable under Section 452, 354, 506 of Indian Penal Code, 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, on 16.04.2016 while the prosecutrix was alone in the house, the applicant entered into the house and tried to catch hold of her when she went inside the room and on having raised alarm, the applicant fled away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the dispute arose because of some distribution of the hand-pump, 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 statement of the prosecutrix/victim under Section 161 & 164 of Cr.P.C. After perusal of the statement, I do not find it to be

a case where the benefit of Section 438 can be extended to the applicant, therefore, I am not inclined to grant anticipatory bail to the applicant, 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 instant bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge