

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 630 /2016

Basant Kumar Malakar, S/o. Shri Ramcharan Malakar, Aged About 43 Years, Caste Mali, Occupation Service at Kreshar Gudeli, R/o. Chandrapur, Tahsil & P.S. Dabhra, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer of the Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/08/2016

1. Apprehending arrest in connection with Crime No.169/2016 registered at Police Station- Sarangarh, Distt. Raigarh (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 506(B), 427, 186, 353 of the 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 30.04.2016 one Vanshbahadur Patel who was working as Supervisor at Mines Barear was discharging his duties, at that time, some dispute arose regarding passing of the coal loaded Truck and over such dispute, the applicant who is clerk in the Guru Minerals came alongwith 10-15 persons and thereafter assaulted the complainant Vanshbahadur.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as the applicant has not been directly and categorically named and there were 10-15 persons, therefore, he 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 Vanshbahadur as also the MLC report, which shows the fracture of metacarpal. Considering the statement of the victim and the medical report, 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